

ERRATA SHEET

DEPOSITION OF: AD21-9-000; Landowners and Communities Affected by Infrastructure Development Listening Session

DATE OF DEPOSITION: 3/17/2021

PAGE 1 of 2 pages

Page	Line	Correction
2	15	AD21-9-000
4	6	OPPWorkshop@ferc.gov
13	10	Speaker is the Operator
13	13	Speaker is the Operator
15	6	Speaker is the Operator
17	10	Speaker is the Operator
17	13	Speaker is the Operator
17	19	Rickel should read "RICL"
20	6	"unwilling" should read "listening"
20	7	Speaker is the Operator
23	1 & 7	Speaker is the Operator
24	24	Speaker is the Operator
26	18	Speaker is the Operator
28	21	Speaker is the Operator
29	2	Speaker is the Operator
31	24	Speaker is the Operator
32	21	Speaker is the Operator
33	4 & 6	Speaker is the Operator
34	17 & 25	Speaker is the Operator
36	7	Swerington should read "Swearingen"
37	6 & 22	Speaker is the Operator
39	23	Speaker is the Operator
40	11	Speaker is the Operator
42	18	Speaker is the Operator
43	5	Speaker is the Operator
44	15 & 21	Speaker is the Operator
46	9	"Forensic Service" should read "Forest Service"
46	11	"freaking" should read "frequent"
46	12 & 19	Speaker is the Operator
49	6 & 20	Speaker is the Operator
51	2	Speaker is the Operator
52	13 & 22	Speaker is the Operator
54	19	Speaker is the Operator
55	11 & 15	Speaker is the Operator
57	23	Speaker is the Operator
58	22	Speaker is the Operator
59	9	Speaker is the Operator

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UNITED STATES OF AMERICA

FEDERAL ENERGY REGULATORY COMMISSION

Proposed: Office of Public Participation (OPP)

OPP Listening Session

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Landowners and Communities Affected

by Infrastructure Development Docket No. AD21-9-000

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TELECONFERENCE

Wednesday, March 17, 2021

The public comment meeting, pursuant to notice, convened
at 1:00 p.m.

1 P R O C E E D I N G S

2 OPERATOR: Welcome, and thank you for standing
3 by. All participants are in a listen-only mode until we
4 open up public comment, where you can give your comment. If
5 you'd like to do so, that is *1 on your phone to give a
6 comment; Again, that is *1, un-mute, and clearly record
7 your name. Your name is required for you to give your
8 comment. I'd like to let everyone know that today's
9 conference is being recorded. If you have any objections,
10 you may disconnect at that time.

11 It's my pleasure to turn the call over to
12 Caroline Engle.

13 You may now begin, ma'am.

14 MS. ENGLE: I am opening the record for Docket
15 AD21-9-999. For the record, my name is Caroline Engle, C-a-
16 r-o-l-i-n-e E-n-g-l-e.

17 Good afternoon. Welcome to the Federal Energy
18 Regulatory Commission Landowners and Communities Affected by
19 Infrastructure Development listening session on the creation
20 of the Office of Public Participation.

21 Section 319 of the Federal Power Act directs the
22 Commission to establish this office to coordinate assistance
23 to the public with respect to authorities exercised by the
24 Commission.

25 In December 2020, Congress directed the

1 Commission to report by June 25, 2021 on its progress
2 towards establishing the Office of Public Participation.
3 Today we are seeking your input on how the Commission should
4 design and operate the Office of Public Participation to
5 strengthen and facilitate public participation.

6 I would like to give directions for providing
7 input today. To identify yourself as a speaker, you must
8 press 'star one' and record your name. You may do that at
9 any time during the call. if you plan to listen in only,
10 you do not need to take this step. Once you have recorded
11 your name you will be put into a speaker queue.

12 Again, if you would like to speak today during
13 the session, please press *1 and identify yourself to be
14 added to the queue at that time. The operator will call on
15 preregistered speakers first before moving to speakers who
16 have not preregistered. Given the number of preregistered
17 speakers, we ask speakers to keep their comments to three
18 minutes. The operator will notify you when your time is up.

19 When you begin your comments, please clearly
20 state and spell your name and provide your organizational
21 affiliation, if any, for the record.

22 Given the interest in this session, we will keep
23 the session open until 5 o'clock p.m. Eastern if there are
24 still participants who want to speak. Preregistered
25 speakers will have a chance to speak first; and time

1 permitting, unregistered participants will then have an
2 opportunity to speak. Please note that due to the large
3 number of speakers, we are unable to answer questions during
4 today's session.

5 Please direct questions to our e-mail at
6 OPPWorkshop@ferc.gov. Again, that's OPPWorkshop@ferc.gov.

7 If you have additional comments or if you are
8 unable to speak today, you may provide comments in written
9 form until April 23rd, following the directions on the
10 Office of Public Participation page of the Commission's
11 website.

12 All comments should reference Docket AD21-9-000.
13 Please visit the Office of Public Participation page for
14 additional information regarding the timeline for the
15 Commission to respond to Congress and how you can get
16 involved.

17 Please note that the Commission's ex parte rule
18 prohibits off the record communications in contested
19 Commission proceedings. The purpose of this conversation
20 is to hear directly from the public on the creation of the
21 Office of Public Participation. In other words, if your
22 comments pertain specifically to a dispute in an ongoing
23 case before the Commission such as a proceeding concerning a
24 potential certificate allowing construction to proceed on a
25 particular pipeline, we must interrupt you and we may not be

1 permitted to listen to your thoughts and comments on the
2 Office of Public Participation.

3 Accordingly, we request that you speak only to
4 the topics addressed in today's meeting. The listening
5 session will not have simultaneous language translation.
6 We were unable to secure translation services on the quick
7 timeline required to set up these sessions. We recognize
8 the importance of translation services and moving forward
9 will consider linguistic accessibility to accommodate
10 various communities.

11 This listening session is being transcribed by a
12 court reporter and will be placed into the record one week
13 from today. A recording of this listening session will
14 also be made available on our website. We understand the
15 importance of a thorough process for public input and
16 engagement, but we also note the urgency to create the
17 office as required by Congress, with our final report being
18 due on June 25th, 2021.

19 We understand that we are under an aggressive
20 schedule and appreciate the time that you have taken to join
21 us today. We look forward to hearing your input, which will
22 guide us in our development of the Office of Public
23 Participation. We will endeavor to provide further
24 opportunities for input as the office is established and
25 begins work on its important mission.

1 Before we begin, Chairman Glick, Commissioner
2 Chatterjee, and Commissioner Clements will provide opening
3 remarks.

4 CHAIRMAN GLICK: This is Chairman Glick. Good
5 afternoon and welcome. Since this is a listening session,
6 I'm going to do more listening and less talking, but I do
7 want to make a brief statement here, if I can.

8 I just want to say that these listening sessions
9 are very important to the success of the Office of Public
10 Participation and how it's established. And today's topic
11 is a good way to start.

12 When the Commission approves an infrastructure
13 project it can have a substantial impact on landowners and
14 others in the communities where these projects will be
15 located. One of the key functions of the Office of Public
16 Participation should be to ensure that parties affected by
17 these decisions are able to understand their rights, and are
18 sufficiently able to participate in the siting proceedings.

19 Finally, I want to commend Commissioner Clements
20 for taking the initiative to organize these listening
21 sessions and for her leadership on the Office of Public
22 Participation. And I want to also thank the staff for
23 spending a lot of time putting this altogether; but even
24 moreso for working with all of us to ensure that the Office
25 of Public Participation formation will be a success.

1 After we hear from Commissioner Chatterjee this
2 afternoon, Commissioner Clements will lead the rest of the
3 session, but I will be listening and I'm sure the rest of my
4 colleagues will be as well. Thanks to everyone for
5 participating today.

6 Commissioner Chatterjee.

7 COMMISSIONER CHATTERJEE: Thank you, Mr.
8 Chairman. I want to begin by thanking you, Mr. Chairman,
9 for holding these sessions, and as well give a great thanks
10 to the staff. I know how much work goes into preparing and
11 executing, and thankful for your'all's efforts. And I
12 really want to thank my new colleague, Commissioner Clements
13 for organizing this and for your leadership. I've already
14 been impressed with your dedication and focus addressing
15 these challenging issues; and I look forward to the session
16 today and your continued leadership in this area.

17 I'm glad to be able to hear today from landowners
18 and communities affected by infrastructure development as
19 the Commission works on putting together a plan for the
20 Office of Public Participation.

21 Look, I've spoken frequently over the past few
22 years about the importance of landowners receiving fair and
23 respectful treatment in the Commission's certificate
24 proceedings. And it really wasn't just words and sentiment;
25 I genuinely, genuinely tried to put initiatives into place

1 to back up that commitment.

2 For instance, issuing a rule prohibiting
3 companies from beginning construction until orders on
4 rehearing are completed. Redesigning our website to give
5 landowners easy access to the information they need to stay
6 informed about FERC proceedings.

7 And alongside Chairman Glick, on a bipartisan
8 basis, I issued a call to Congress to prohibit the exercise
9 of eminent domain while a rehearing is pending. I'm proud
10 of the effort that we made; however, I know, I fully
11 understand that there is still much work to be done. We
12 must always be listening and always improving.

13 I'm truly looking forward to hearing your ideas
14 about how the Office of Public Participation can help
15 landowners. This session, like the upcoming sessions,
16 devoted to environmental justice communities and tribal
17 interests, tribal governments and energy consumers and
18 consumer advocates really shape our actions.

19 But most importantly, I want to close with
20 expressing my deep thanks to the participants for being here
21 and for lending your time and insights. And with that, I
22 will turn it over to my colleague, Commissioner Clements --
23 again, with great thanks and appreciation for your
24 leadership in this area. Thank you.

25 COMMISSIONER CLEMENTS: Thank you, Commissioner

1 Chatterjee; and both you and Chairman Glick have been
2 concerned specifically about these issues; and so it is
3 great to have you here.

4 Before I make very brief comments, individually
5 each of Commissioner Danly and Commissioner Christie asked
6 me if I could send along their regrets for not being here to
7 make comments. Because this is on the record, they are both
8 going to take advantage of the opportunity to read through
9 the comments provided today and look forward to doing that -
10 - we've got a lot, especially this week, and so they're not
11 going to be joining us today.

12 These listening sessions are a new tool for the
13 Commission. They are something that EPA, Department of
14 Transportation and Department of Labor have used in the
15 past, and our staff was able to consult with the staff at
16 those agencies to get input on how we will run these
17 listening sessions. Please be patient with us today as this
18 is our first one. Staff has worked very hard in a very
19 short period of time to provide these opportunities, and I'm
20 thankful to them for doing that.

21 Also note that we have an April 16th workshop
22 coming up, that will be available to listen in on, where we
23 will get into some of these issues, a broader set of issues
24 related to the Office of Public Participation.

25 Please understand that our June 25th deadline is

1 the end -- is the beginning, not the end of the opportunity
2 for input about the Office of Public Participation.

3 And with that, thank you; and back to Caroline.

4 MS. ENGLE: Operator, we are ready to begin with
5 participant comments.

6 COMMISSIONER CLEMENTS: I'm sorry, Caroline. I
7 had two more points. This is Commissioner Clements.

8 I think it's really important to note that we
9 would not be able to be here today if Chairman Glick did not
10 prioritize this issue of the Office of Public Participation
11 and put it at the top of an agenda of very important issues
12 that he is trying to take action on and set in motion at the
13 Commission; and so for that, thank you, Mr. Chairman, we're
14 really appreciative.

15 And finally, remember that you will have more
16 opportunities going forward to provide input into this
17 process. Thank you.

18 MS. ENGLE: All right. Operator, now we are
19 ready to begin with participant comments.

20 OPERATOR: Thank you. If you'd like to give a
21 comment, please press star-one, un-mute and record your
22 name. Our first comment today comes from Barron Shaw.
23 Your line is open.

24 BARRON SHAW: My name is Barron Shaw, and I live
25 on an orchard that straddles Pennsylvania and Maryland.

1 Over the last five years, I've learned a lot about the
2 business of electricity transmission as my neighbors and I
3 have had to contend with the proposed transmission lines to
4 take power from Pennsylvania and send it to the D.C. Metro
5 area in order to decrease their prices.

6 It was PJM's first market efficiency project and
7 the first to go through the state commission. One of the
8 things I learned is that it's so important to have PJM be
9 regulated. FERC is the only entity that can regulate PJM,
10 and I have to admit there have been several times when I've
11 asked myself, "What was FERC thinking?" And "Does FERC
12 really want it to work this way?"

13 I'll provide a quick example and then provide my
14 suggestion of how OPP could help facilitate a remedy. So
15 the PJM provides two different scoring mechanisms for market
16 efficiency projects. One scoring mechanism is for voltages
17 at 230 kilovolt and below; the others for 345 and higher.
18 When a significant amount of power is moved from one place
19 to another, it raises the price of the power at the source
20 and lowers it in the destination.

21 The PJM higher voltage metric allows the
22 inclusion of these higher prices in scoring, but the lower
23 voltage metric specifically excludes all expected price
24 increases and only focuses on the price decreases.

25 So in order to make this project clear, the

1 necessary benefit-cost ratio, the applicant cleverly used
2 two new 230 kV lines; both come with bundled, double
3 circuits with the highest possible capacity conductors. The
4 total conductor rating of all those lines would be 4,000
5 megavolt amps, which is far more than most 500 kilovolt
6 backbone circuits.

7 So in other words the rules prevented a new
8 superhighway but they allowed the construction of lots of
9 two lane roads to go to the same place.

10 The PJM market monitor agrees with my positions,
11 recommended that the entire process be rewritten; but the
12 market monitor doesn't have the power to change PJM; only
13 FERC can do that.

14 I would envision a process at FERC that would
15 allow concerns like this to become public; but even more, I
16 would hope that the OPP would become empowered to influence
17 rulemaking. This kind of representation does have precedent
18 in government; like when patients suffer unexpected
19 complications from medical appliances or pharmaceuticals,
20 FDA investigates and makes appropriate changes. When a
21 pesticide is implicated in any problems, EPA investigates
22 and makes changes. HUD provides help for housing
23 discrimination, and U.S.D.A. responds to food issues.

24 I would love to see OPP staff listen to public
25 concerns and then take those concerns to the rulemaking

1 process when appropriate, or perhaps even initiate rule
2 reviews. The bar is very high right now for private
3 citizens to represent our own interests and concerns at
4 FERC, and it would be helpful for OPP to serve as that
5 conduit, representation. It would do little good if OPP
6 were simply a referral service for expensive attorneys.

7 Instead, I'd love to see OPP make FERC a more
8 responsive regulator. And with that, I'll end my three
9 minutes. Thank you.

10 MS. ENGLE: Next up for comment is Sara Bohn.

11 Your line is open.

12 SARA BOHN: Hello, can you hear me?

13 MS. ENGLE: Yes, ma'am.

14 SARA BOHN: Hi, my name is Sara Bohn, S-a-r-a B-
15 as-in-boy- o-h, -n as in Nancy. And I am a resident of
16 Montgomery County, Virginia, and the County Supervisor for
17 one of the two districts in our county that the Mountain
18 Valley Pipeline runs through. I'm the Supervisor for
19 District A on the Montgomery County Board of Supervisors.

20 Yes, our land and communities have been
21 significantly and adversely affected by the Mountain Valley
22 Pipeline. Our beautiful countryside is scarred. Our water
23 sources have been significantly affected, and some have been
24 significantly contaminated. Most landowners did not want to
25 give up their land, no matter how much they may have been

1 compensated.

2 One, most landowners and community members don't
3 believe the benefits proposed by MVP will live to fruition.

4 Two, most if not 90 percent or more of the
5 natural gas will be shipped overseas and will not be used
6 domestically.

7 Three, the jobs that it has provided have been
8 primarily for those who do not reside in our county, let
9 alone our state.

10 Four, MVP has now taken at least twice if not
11 three times as long as they originally projected. The
12 pipeline is still not done, thank goodness.

13 Five, the pipeline has cost significantly more
14 than originally projected.

15 Six, the revenue suggested to be provided to
16 Montgomery County has not been realized.

17 Seven, and most importantly, (A) the construction
18 over our Karst terrain was not investigated properly, the
19 results have been catastrophic. (B) Our countryside and
20 property has been scarred for the benefit of foreign
21 countries. (C) Our residents and their water sources have
22 been significantly compromised. (D) Thousands of residents
23 are living within the blast zone. (E) Hundreds of
24 Montgomery County residents' land has been scarred and
25 nearby properties have been significantly negatively

1 affected, especially with erosion.

2 I ask FERC to focus on limiting and even never
3 approving pipelines including stopping MVP today.
4 Especially when customers are primarily overseas.

5 Thank you for your time.

6 MS. ENGLE: Ted Glick, your line is open.

7 TED GLICK: Yes, Hi. Ted Glick, T-e-d G-l-i-c-k
8 from Beyond Extreme Energy. I've been interacting with and
9 experiencing FERC for the last decade. As the gas industry
10 has expanded nationally, I've been involved with numerous
11 efforts to prevent the imposition of pipelines, compressor
12 stations, and export terminals.

13 I've done so in the county, Essex County, New
14 Jersey where I live; in other parts of New Jersey, in the
15 Maryland-D.C.-Virginia area when I was the national
16 campaign coordinator of the Chesapeake Climate Action
17 Network; and nationally through CKM and the organization,
18 Beyond Extreme Energy that I work with now.

19 A constant among all these experiences is that
20 FERC has operated as a willing partner with the gas and
21 pipeline industries making sure that in virtually every
22 single case they get their permits to expand their
23 operations. It doesn't matter if the number of comments
24 opposing a project is 99 to 1 opposed; they'll get their
25 permits, it's happened. That's why it is widely seen by

1 those who experience it as a "rubber stamp agency."

2 The main responsibility of a new Office of Public
3 Participation must be to end this rubber stamping process,
4 create a level playing field in which the opinions of local
5 landowners, communities and towns on proposed projects are
6 taken seriously. For this to happen, several things are
7 necessary.

8 First, an OPP must be adequately staffed, both
9 numerically and with people who have expertise and
10 experience in democratic community organizing and
11 governance.

12 Second, environmental justice concerns must be
13 central to its functioning. This means there must be people
14 of color and people from low income backgrounds part of the
15 staff, and these issues must be prioritized.

16 But most important, the OPP cannot be an
17 operation separated out from the rest of the way FERC
18 operates. The concept of public participation of genuine
19 community involvement of taking seriously the concerns of
20 local people affected by proposed projects and policies must
21 permeate all of FERC. This means that current FERC
22 leadership must take on the issue of fossil fuel industry
23 influence over and corruption of the way FERC operates. All
24 of the many ways that this happens, from the revolving door
25 between FERC employment and industry employment to the

1 hiring of contractors with deep industry ties, to hiring
2 industry-connected individuals to lead FERC departments --
3 all of these and more must be identified and changed.
4 FERC's culture must change from one of industry
5 participation and influence to one of genuine popular
6 participation and influence.

7 And if that can't happen, if it is just too
8 deeply rooted, FERC needs to be replaced with a new federal
9 energy regulatory agency that can do so. Thank you.

10 MS. ENGLE: Next up is Mary Mauch. Your line is
11 open.

12 MARY MAUCH: Hello. Can you hear me okay?

13 MS. ENGLE: Yes, ma'am.

14 MARY MAUCH: Thank you. This is Mary Mauch, Ms-
15 a-r-y M-a-u-c-h. I am the President of the Illinois
16 Landowners Alliance. Hello and thank you for this
17 opportunity to provide input, and especially to the
18 Commissioners for listening today; that means a lot.

19 I am the Founder and Director of Block Rickel, a
20 grassroots organization that started in Northern Illinois in
21 2012, and has since expanded across some seven states, and
22 into 12 or more sister organizations.

23 I'm the founder and president of the Illinois
24 Landowners Alliance, NFP, which also started in 2012 to hire
25 legal counsel to represent the interests of some 300

1 landowners at the Illinois Commerce Commission, culminating
2 in the 2017 precedence-setting win at the Illinois Supreme
3 Court, Illinois Landowners Alliance v the Illinois Commerce
4 Commission, Docket 131302.

5 The central problem was and still is the
6 overreach and abuse of eminent domain, and especially when
7 the alternatives such as energy conservation, locally-
8 generated clean energy aren't prioritized. Think of the
9 millions of unused acres of suburban and urban rooftops and
10 skyscraper windows that could provide much needed clean
11 energy.

12 The public, who needs to be assisted by this new
13 office, are the individuals and communities who do not
14 normally participate in proceedings but are suddenly thrust
15 into the arena when an entity's land agent comes knocking at
16 their door wielding the threat of eminent domain. The
17 public should be individuals, impacted landowners and
18 communities who may or may not oppose the financial and
19 political interests that align to force new infrastructure
20 on them.

21 This public will need assistance understanding
22 FERC processes, finding appropriate precedent to support
23 their positions, and finding and funding legal counsel and
24 experts.

25 Entities aligned with powerful utility interests

1 or special interests such as Big Wind should not receive
2 financial compensation for their participation. They do not
3 represent the public. Nor is the utilization of the
4 office's resources intended for grant-funded non
5 governmental agencies that already participate at the
6 Commission in order to shape policy to align with their
7 political and financial goals.

8 Section 319 seems to be designed to reward deep
9 pocketed participants who would and probably already are
10 participating. If there's nothing to develop the
11 envisioned equity that would allow independent individuals
12 to experience financial hardship to meaningfully
13 participate. It is too expensive and too unlikely that
14 individuals would or could risk large amounts of money on a
15 'maybe' reimbursement in a process new and foreign to them.

16 The Commission must guard against this office
17 becoming another political tool used to advance special
18 interests, or be used as a distraction or a facade intended
19 to marginalize public participation. The director and staff
20 of such an office must have a demonstrated track record of
21 directly working with consumers and citizens in a non-
22 biased, nonpolitical fashion, such as state consumer
23 advocates, and should not come from special interest
24 organizations or utilities.

25 We also highly recommend that the OPP be overseen

1 by an advisory board consisting of the same, to prevent the
2 inevitable regulatory capture that pervades federal
3 agencies; therefore excluding the meaningful process
4 participation from the individuals and communities most
5 negatively and impacted by infrastructure projects.

6 Thank you for unwilling.

7 MS. ENGLE: Next up we have Bob Danielson. Your
8 line is open.

9 BOB DANIELSON: Thank you very much. I am with
10 an organization called Soul of Wisconsin. We have been
11 representing energy spending priorities of Wisconsin
12 ratepayers and communities for 20 years. We thank you for
13 this opportunity and have fairly extensive recommendations
14 to make. I will quickly read through our introduction as
15 time permits.

16 With the formation of FERC and RTOs, and the
17 costly expansions of these utility-driven institutions over
18 the last 20 years, any new entity representing utility
19 customers and community interests is enthusiastically
20 welcomed. Many experts are in agreement that our long term
21 energy solutions will be distributed; that is, decreasingly
22 centralized. As currently empowered, our energy
23 institutions are not sufficiently motivated to efficiently
24 further that is an inevitable future.

25 We see the creation of the Office of Public

1 Participation as a highly practical way to create a foothold
2 for utility consumers on a national level. OPP funding,
3 including that for intervention, must be commensurate with
4 the scale of that constituency, all 200 million ratepayers
5 and thousands of communities. Please note that intervenors
6 must compete with the persuasions of billion dollar public
7 relations campaigns and vast expenditures mounted by utility
8 interests.

9 I'll be blunt: The competition that needs to be
10 regulated and protected today is not between the utility
11 interests, but between utility interests and utility
12 customers. Please keep in mind that it is these outspoken
13 utility customers who are actually representing our
14 communities, our lands and our local economies that we all
15 depend on for survival. The stakes in all utility cases are
16 extraordinarily high.

17 The 'public' in public participation is important
18 to emphasize. The OPP must focus its representation on
19 citizens, landowners, municipalities and ratepayers. OPP
20 should not fund hybrid organizations; that is;, any
21 organization that accepts any money from utility interests.

22 Regarding Question No. 1: The director must have
23 a distinguished record of serving ratepayers, including a
24 history of advocating for energy efficiency, load
25 management, distributed solar plus storage, and substations

1 supporting non-transmission alternatives.

2 I recommend three people heading three
3 departments all supporting public awareness and public
4 intervention. First, the department of end user and
5 community-based alternatives, with primary responsibility of
6 connecting potential intervenors with information and
7 experts familiar with viable alternatives and energy
8 planning.

9 Second, the department of end user and community
10 legal assistance. There is a new wrinkle here: If there is
11 a thorough public notification process, and regularly-
12 offered workshops, and staff available to answer ongoing
13 questions, the public intervenors of today and tomorrow will
14 be pro se; they will represent themselves and they will use
15 intervenor funding for expert witnesses to round out their
16 facts. A recent transmission case in Wisconsin had 45 pro
17 se intervenors, nine of whom were from municipalities.

18 The department of public outreach and opinion
19 would be the final department, and it would be headed by the
20 OPP director, with the responsibility of designing and
21 coordinating the early and thorough public notification
22 process. Informing people early and often of the
23 opportunity to intervene and get information is the key to
24 success.

25 Also --

1 MS. ENGLE: You have 30 more seconds.

2 BOB DANIELSON: Thank you. To capture wider
3 public interest, the department would conduct surveys,
4 solicit comments at large, and assess this input and file it
5 into the appropriate FERC proceeding.

6 Thank you very much.

7 MS. ENGLE: As a reminder, if you would like to
8 make a comment, please press *1 and mute, and record your
9 name clearly. And Tania Moro, your line is up, is open.

10 TANIA MORO: Greetings from Medford, Oregon.
11 Tania Moro, T-o-n-i-a M-o-r-o. And my comments are
12 informed by my six years involvement as a former board
13 member of Rogue Climate and a pro bono attorney representing
14 the interests of landowners and community members suffering
15 from the seemingly endless 15-year attempt to site the
16 Jordan Cove LNG terminal and Pacific Connector Pipeline in
17 Southern Oregon.

18 I and affected community member Jody McCaffery
19 and affected landowner Stacy McLaughlin have submitted
20 written comments, and I want to just highlight a couple of
21 points. While I appreciate that we have new leadership at
22 FERC and now a woke Congress, the politization and lack of
23 congressional oversight of this agency has created a reality
24 of complete mistrust and adversity that the OPP will not be
25 able to fix. And I appreciate Mr. Glick's comments to this

1 issue earlier.

2 FERC must do the hard work to revise the policy
3 statement, to make it abundantly clear, and for the agency
4 to completely assume responsibility for the constitutional
5 authorities it exercises. In my opinion that means
6 bifurcating the public economic need decision from the NEPA
7 process as a preliminary decision after a full-blown
8 evidentiary hearing with a right to discovery and cross-
9 examination of witnesses.

10 At that point, when that procedure is available
11 as it should be, the Office of Public Participation could be
12 tasked with managing the logistics of that proceeding. In
13 the meantime, the OPP's role should be to develop policies
14 to ensure full compliance with the written letter of the
15 public participation requirements of NEPA and DEQ guidance
16 on the equity goals of Executive Order 12998. And it should
17 also develop and administer a grant program to fund third
18 parties to assist the public in participating in these
19 proceedings. As FERC is a party opponent to most of the
20 public participating, this office may not provide the
21 assistance directly. Third party organizations, organizing
22 landowners like Bold Alliance and Rogue Climate should be
23 funded to do this necessary work. Thank you.

24 MS. ENGLE: Mark Jarrell, your line is open.

25 MARK JARRELL: Thank you. Mark Jarrell, M-a-r-k

1 J-a-r-r-e-l-l. I'm a landowner in Pence Springs, West
2 Virginia, and I have 3,020 feet of the Mountain Valley
3 Pipeline, nearly splitting my property in two.

4 Most of the other speakers have given some good
5 suggestions for the foundation of the OPP. I wasn't really
6 prepared to do that, but I did have a few brief comments.

7 We all know that since 1999, 475 new pipeline
8 projects were approved by FERC and only two were rejected.
9 We also know that FERC's approval is based on false or
10 exaggerated shipping agreements, while sort shrift is given
11 to property rights, landowner concerns or environmental
12 considerations. This must change, and that will require a
13 fundamental restructuring of FERC. Hopefully the OPP will
14 get that ball in motion.

15 So while it's commendable that you're creating
16 this Office of Public Participation, it's only a baby first
17 step until FERC is funded by an approved federal budget
18 rather than operating on the fees and fines it imposes on
19 the energy industries that it's supposed to regulate. FERC
20 can never be trusted to make decisions based on true public
21 necessity. FERC's history shows that the current system is
22 nothing more than a cozy and corrupt consortium with the
23 pipeline companies.

24 The past six years of my life have been a
25 nightmare, fighting to hold onto my hopes, dreams and

1 secretary for my property. And FERC, rather than the
2 Mountain Valley Pipeline, has been the villain by empowering
3 a private, for-profit corporation to take my property
4 against my will using a spurious definition of eminent
5 domain. And then once a certificate is granted, FERC shrugs
6 its shoulders and leaves landowners no protection or
7 recourse against the depredations of the pipeline
8 construction or restoration process. It's a very hopeless
9 feeling of despair and abandonment.

10 Over the past six years I've had exactly one
11 contact with FERC officials, despite numerous attempts.
12 Every affected landowner needs a contact name and number at
13 FERC to answer questions and act as an advocate when
14 necessary.

15 I have several other recommendations, but many
16 have been covered by the other speakers, so I yield the rest
17 of my time. Thank you.

18 MS. ENGLE: Pamela Ordway, your line is open.

19 PAMELA ORDWAY: Thank you. This is Pamela
20 Ordway, P-a-m-e-l-a Last name Ordway, O-r-d-w-a-y. And I'm
21 an impacted landowner with property along the route of the
22 recently permitted Pacific Connector Gas Pipeline.

23 Thank you for the opportunity to participate. As
24 a landowner engaged in the permitting process for three
25 different iterations of the same pipeline project for more

1 than a decade, I welcome the opportunity to weigh in. We,
2 like other impacted landowners, were drug into the process
3 by the decision of others. We played no role in the
4 decision that determined our resources would need to be
5 redirected from farming in to a new, totally and familiar
6 arena.

7 A landowner's only option is to react, whether it
8 be to fight or to acquiesce. If you choose fight, you
9 quickly realize you've been tossed into the equivalent of
10 the SuperBowl when you're only suited up for a game of flag
11 football. The Office of Public Participation could help
12 level the playing field; provide communication in layman's
13 terms; provide glossaries; spell out acronyms; provide clear
14 and complete charts showing the permitting process from
15 beginning to end, including all federal agencies as well as
16 state and local permitting authorities.

17 There are lots of moving pieces, and landowners
18 could use assistance in keeping on top of those. Meet
19 landowners where they are, both literally and figuratively.
20 Increase the locations of scoping meetings. We had scoping
21 meetings in impacted areas but not nearly enough. The
22 pipeline covers 230 miles but scoping meetings were held at
23 only four locations, making elderly rural landowners drive
24 great distances, often at night to attend.

25 Take the time and expense to make sure scoping

1 meetings will be available to every landowner. Adapt a
2 method of communication to the audience. Pipeline
3 construction occurs in mostly rural areas, the majority of
4 which do not have reliable Internet, making reports such as
5 a Draft Environmental Impact Statement only available on
6 line prevents many from accessing the information they need
7 to protect their rights.

8 In our case, FERC said that in lieu of making
9 documents available on line, they would make them available
10 at local libraries. Clearly they weren't familiar with the
11 affected areas, because local libraries aren't much more
12 accessible than Internet service for most landowners.

13 Help landowners access the experts they need to
14 support their cases, whether that be legal or subject matter
15 experts. Pipeline proponents have the access and
16 resources to engage experts to support their views.
17 Landowners should be provided the same. Hiring legal
18 representation, appraisers and industry experts, whether
19 farming, forestry or whatever is appropriate costs money
20 that most landowners don't have --

21 MS. ENGLE: 30 seconds.

22 PAMELA ORDWAY: Provide an ombudsman that
23 landowners can access, a place they can feel safe filing
24 complaints about land agents, pipeline representatives;
25 where they can go when they need information and they feel

1 lost in the process. Thank you.

2 MS. ENGLE: Craig Stevens, your line is open,
3 sir.

4 CRAIG STEVENS: Yes, thank you. This is Craig
5 Stevens, C-r-a-i-g S-t-e-v-e-n-s. I'm a sixth generation
6 landowner in Silver Lake Township, Pennsylvania that has
7 been directly impacted by a pipeline installation in my own
8 back yard and across my family's property.

9 The attempted use of eminent domain through the
10 Public Utility Commission of Pennsylvania was thwarted by us
11 real citizen landowners. We fought it, we won. The
12 Commonwealth of Pennsylvania found that they cannot use
13 eminent domain when the project is not for public benefit,
14 and that the use of eminent domain is illegal when it looks
15 like the export of the material is leaving this country.

16 So after that I became a national advocate.

17 Just so you know what I experienced: A 16-inch
18 diameter pipeline was attempted to put underneath the trout
19 stream in my back yard. They blew out the creek eight times
20 over two and a half months. On the first day, July 29th,
21 2011, they had to IRTS or blow out. The mud trucks that
22 were recovering and removing the mud, one rolled over and
23 crushed to death my neighbor, John Jones, III and killed
24 him. Don't let anybody tell you this is not dangerous
25 activity.

1 Then after that debacle, they went up to my 115
2 acre family property; they were crossing a half mile across
3 it, and they ended up dumping 100,000 gallons of liquid of
4 unknown origin, straining the max gel, which is illegal to
5 touch the ground -- says the EPA -- onto my family's
6 property. To this day, that's never been cleaned up. Even
7 though the Commonwealth found against the company and fined
8 them, both the Commonwealth of Pennsylvania's DEP and the
9 Fish and Boat Commission, they would -- gave no help to me,
10 the landowner.

11 So I became an advocate for other people on
12 pipeline routes around the United States. I started
13 Patriots from the Oil and Gas Shales, and I began to work on
14 issues like the Constitution Pipeline. My neighbors the
15 Hollorans were threatened with a \$500,000 fine for simply
16 questioning why the state police showed up on their property
17 on a federal pipeline. FERC needs to get their act
18 together. You don't know how many times county and state
19 law enforcement is being around the country; in Virginia --
20 they even started the Virginia fusion center. They made
21 landowners that are standing up for their own private
22 property rights some kind of domestic terrorists.

23 Having my family, four members of my family
24 spending almost 120 years in the military, we are insulted
25 by this action. FERC needs to open their business up.

1 When will you allow us to come in? I've been to your
2 building 30 times to watch your joke of public meetings
3 where nobody can speak except for those invited, not even
4 the landowners whose lands are being stolen by the illegal
5 use of eminent domain. Immediately I found out the
6 nationwide permit was being used on the Constitution
7 Pipeline, NWP 12 by the Army Corps of Engineers. It stated
8 in their own document, FERC, that they cannot use it for
9 long, large linear projects. You've allowed them to use it
10 all over the United States on long, large linear projects.

11 Finally, the court stood up for us on the
12 Atlantic Coast Pipeline, and now the Mountain Valley,
13 refusing to allow them to use it. I jokingly called FERC:
14 Fire everyone and restore the Constitution. I see you're
15 trying to change your ways. Well, I want you to do a
16 complete U-turn. We, the people, need to be allowed to come
17 in, especially those directly impacted anywhere that FERC is
18 being used to steal land by eminent domain. Obviously
19 anybody that's above a third grade education can see that
20 the Atlantic Coast Pipeline, the Mountain Valley Pipeline,
21 and all these other large pipelines are leading to the coast
22 for export.

23 That's an illegal use of eminent domain.

24 MS. ENGLE: You have 30 seconds.

25 CRAIG STEVENS: Eminent domain by the U.S.

1 Constitution, Fifth Amendment says that the person has to be
2 compensated -- which none of my neighbors have been,
3 compensated. Their land was taken and there was no public
4 benefit, which means no use of eminent domain.

5 So FERC, get your act together. I expect you to
6 have months of hearings every day, and let people come in
7 that have been directly impacted, come in to your building
8 and speak at those microphones, those golden mics, so you
9 only have allowed people that represent the oil and gas
10 industry to come in and lie to all of us. How sad it was to
11 watch landowners try to stand up in a meeting and be heard,
12 and be dragged out of your building like there's some kind
13 of, you know, people trying to attack. No, we're being
14 attacked. Our lands are being stolen, our property being
15 demolished by your actions. And it is time for the
16 American people and American citizens and property owners
17 and taxpayers to be able to stand up in your offices -- I,
18 myself was ejected for no valid reason, and had to get
19 allowed to come back into your building again. I didn't
20 participate in anything that would have done that.

21 MS. ENGLE: Your five minutes is up.

22 CRAIG STEVENS: So I will end with this: My
23 father was a first responder for 63 years, he died an active
24 Lieutenant Colonel, and he died in '07. He would be
25 spinning in his grave watching the federal government use

1 this power against private citizens and then call them
2 "domestic terrorists." Ha! You're the terrorists, you're
3 siding with the terrorists that are coming in --

4 MS. ENGLE: Your time is up.

5 CRAIG STEVENS: Thank you.

6 MS. ENGLE: Robert, your line is open.

7 ROBERT KAISER: Thank you. My name is Robert
8 Kaiser; that's R-o-b-e-r-t. Last name, K-a-i-s-e-r.

9 My comment pertains to natural gas and the Office
10 of Public Participation. The OPP office must hold unbiased
11 evidentiary hearings examining need and purpose. It's
12 trying to move away from, especially the relationship
13 between the local distribution companies and the pipeline
14 owners as the primary and sole factor to determine need, and
15 therefore public convenience and necessity.

16 Currently there are no constraints to prevent
17 LDCs from contracting for excess capacity while ignoring
18 data that shows ample capacity in existing infrastructure in
19 any given region. There is too much self-interest within
20 the industry, including inside of FERC itself.

21 I'm not here to hammer FERC, but FERC seems to
22 have its end-own reasoning that more and more greenfield
23 pipelines are necessary, at any cost. It seems to be their
24 basis for approving pipeline after pipeline after pipeline,
25 without including meaningful public participation or

1 evidentiary hearings to determine the true necessity or
2 need. That is why meaningful or full public participation
3 is needed. That is also why an unbiased public citizen or
4 citizens need to be appointed to the office of the OPP. And
5 that's necessary to access data and see past the perception,
6 management business tactics creating false narratives,
7 unfounded facts where actually no truth to decry a need for
8 more and more pipelines exist.

9 The biggest question I have is -- and I don't
10 want an answer here -- but it is, how is the United States
11 now the larger exporter of natural gas while pipeline
12 companies cry that there's not enough natural gas capacity
13 for domestic use. I hope FERC one day can answer that.

14 This is why an unbiased citizen, one who can't be
15 lobbied, needs to sit in a seat at the table of the OPP.

16 Eminent domain --

17 MS. ENGLE: You have 30 seconds.

18 ROBERT KAISER: Eminent domain used for
19 pipelines, the conditional approval needs to include no
20 eminent domain use until all the permits are approved and
21 the pipeline can move forward. The OPP must have a vote in
22 the certifying process.

23 I thank you for your time and consideration in
24 listening to my comments.

25 MS. ENGLE: William Limpert, your line is open.

1 WILLIAM LIMPert: Thank you for the opportunity
2 to comment. My name is William Limpert, W-i-l-l-i-a-m L-
3 i-m-p-e-r-t. I'm a former landowner along the Atlantic
4 Coast Pipeline.

5 I'm pleased that Commissioners Clements and
6 Christie have joined FERC, and pleased that Commissioner
7 Glick is now Chairman. I'm happy that the Office of Public
8 Participation is finally being created. I'm optimistic that
9 these positive changes will improve FERC; improvements are
10 much needed. FERC has become a rubber stamp for pipeline
11 projects and has ignored 'we the people.'

12 My wife and I fought every day for over four
13 years to defend our retirement home and property in
14 beautiful Little Valley, Bath County, Virginia from FERC and
15 the Atlantic Coast Pipeline. The ACP would have cut our
16 property in half, cut down our virgin forest, all visible
17 from our front porch, left us trapped in the blast zone
18 with no escape or rescue possible, and likely polluted our
19 drinking water. It reduced our property value by more than
20 half. The ACP would have rendered our property unlivable
21 for us.

22 During this four year struggle, FERC continually
23 embraced misinformation from the ACP, rejected our science-
24 based comment, and rejected comments from other experts.
25 With FERC fully backing the ACP and eminent domain hanging

1 over our heads, we were finally compelled to sell our land
2 to the ACP, and our retirement dream was lost.

3 Less than 100 days later, the ACP was canceled.
4 That ordeal and that loss will haunt me for the rest of my
5 life. I reached out to FERC on a regular basis during our
6 ordeal. I was routinely ignored, except for more recent
7 contacts with David Swerington, who has been helpful.

8 FERC has ceded far too much authority to the
9 fossil fuel industry, even while that industry has raised a
10 cruel and ruthless war against landowners, polluted our
11 air, water, and land, sickened our citizens, and brought us
12 to the brink of an unlivable climate.

13 I first reached out to FERC because I could not
14 fully understand how to become an intervenor from the letter
15 we received from the ACP. When I reached out, a FERC
16 spokesperson told me that I did not want to become an
17 intervenor, because that would require me to send hundreds
18 of letters to other intervenors. Not quite a lie, but
19 nowhere near the truth; and a blatant attempt to keep me
20 from intervening.

21 I did become an intervenor, and I've been fully
22 engaged, but it did not save our home and property.

23 The OPP should send out a letter clearly
24 explaining how persons can become intervenors, with no time
25 limit for intervention. Similar letters should be sent to

1 all property owners in the evacuation zone of natural gas
2 pipelines, since these pipelines are threatened and diminish
3 their properties as well.

4 OPP should appoint a NEPA coordinator to assist
5 the public.

6 MS. ENGLE: Sir, you have 30 seconds.

7 WILLIAM LIMPert: Okay. OPP should appoint a
8 public liaison for each FERC natural gas project. The
9 liaison should be available to answer question, to conduct
10 local town hall meetings, to meet with property owners on
11 their property. FERC refused to come to our property.

12 OPP should require that FERC meet the 20 business
13 day response limit as required by the Freedom of Information
14 Act and should not continually invoke exemption 5. None of
15 my three FOIA requests was completed within nine months, and
16 they were filled with redactions. FERC's work us the
17 people's work and should be available to the public.

18 OPP should have an advisory board comprised of
19 citizens and excluding industry representatives, who already
20 have more than enough access to FERC.

21 Thank you for your time.

22 MS. ENGLE: Perry Martin.

23 PERRY MARTIN: Good afternoon, my name is Perry
24 Martin, P-e-r-r-y M-a-r-t-i-n. I'm an elected local
25 government representative in Giles County, Virginia. My

1 reflection comes from my involvement in supporting
2 landowners who are adversely impacted by the MVP project in
3 my community of Newport. We're located in Southwest
4 Virginia, and our community has taken a direct hit from this
5 route. And understandably, our community is dealing with a
6 lot of stress.

7 There's an adage I'd kind of like to begin with:
8 If you fail to plan, plan to fail. And when I think about
9 what an Office of Public Participation can do, it can
10 certainly aid with this planning process.

11 When officials from the MVP project began looking
12 at my accounting for routing potential, they were contacting
13 landowners before any communication with local government
14 officials or any regional planning authorities. There were
15 calls being fielded -- no one really knew who this group
16 was, and as you might suspect, it's led to much confusion,
17 understandable anxiety, that continues today.

18 Throughout this process, in spite of advice and
19 efforts that suggest less destructive and dangerous routes
20 to the communities impacted, the current route cuts through
21 the heart of a rural historic district and in close
22 proximity to the most noteworthy tourist assets in our
23 county.

24 I've also observed and have been told there was
25 some intention that the route has avoided some affluent

1 housing areas, while it remains cutting through less
2 affluent areas. In my community specifically, the current
3 route has led individuals to abandon homes. We've had a
4 business move elsewhere because of the pipeline, and
5 there's been hundreds of thousands of dollars spent with
6 legal fees trying to stop this from happening.

7 My reflection is, an Office of Public
8 Participation would enable FERC to make better decisions.
9 And I believe these decisions can be aided in the following
10 ways:

11 A charge of this office could be to ensure more
12 balanced viewpoints on the future of energy needs and that
13 these viewpoints are considering sources of data that are
14 probably brought into the process; data that comes from a
15 variety of sources. I think there's also a need to assess
16 the fairness of current standards by which public need is
17 determined.

18 There's also need to ensure more accessible
19 processes for public comment. When I made official comments
20 to FERC, the closest meeting was actually across the state
21 lines, nearly at Hallow Way. And that was very different --
22

23 MS. ENGLE: 30 seconds.

24 PERRY MARTIN: Okay. We also need to be focused
25 on environmental justice, particularly looking that low

1 income areas are not being targeted by companies; and we
2 also need to level the playing field between the voice of
3 large entities like the Forest Service and communities and
4 local governments and regional planning agencies.

5 Finally, my final point would be I'd like to see
6 a process developed by which there is consistent and fair
7 negotiation between corporations and communities with
8 regard to compensation for community-wide impact.

9 I again appreciate you for your time today, and I
10 thank you for the opportunity to share my thoughts.

11 MS. ENGLE: Alice Arena, your line is open.

12 ALICE ARENA: Thank you. My name is Alice Arena,
13 A-l-i-c-e A-r-e-n-a. And I'm the President of the Four
14 River Residents against the compressor station in Weymouth,
15 Massachusetts. I'd like to thank the Commission and
16 commissioners for having this session today.

17 FRAC is a citizen organization who came together
18 originally to stop the construction and operation of a
19 transmission gas compressor station in an already-
20 overburdened urban community defined by the industry as a
21 high consequence area. Three communities are directly
22 affected by this compressor, and three aging neighborhoods,
23 environmental justice neighborhoods, about this compressor.
24 We have fought for six years against this infrastructure,
25 using individual and community resources with no help from

1 FERC.

2 Our concern, or some of our concerns are public
3 outreach, financing, and that the OPP not become a place to
4 warehouse those intervening. Public outreach has been
5 relegated to the applicant, and therefore has been 100
6 percent slanted to the interests of the industry. True
7 public outreach could include such things as regional
8 offices, translation services, and educational outreach.

9 Outreach to municipalities should be written into
10 the OPP, as most towns and cities hear only from the
11 industry on what the infrastructure will bring to their
12 community. For instance, our mayor was told this compressor
13 station would be the size of a garden shed. When projects
14 are in prefile, that should trigger the OPP to connect with
15 the local elected officials so that they in turn can alert
16 the community. Too often communities do not even know about
17 infrastructure plans until all permits have been granted,
18 too late to intervene on behalf of the residents.

19 Education is also paramount, as navigating FERC
20 has left groups like ours to self-educate, which can act to
21 cut us out of the process. Financing for legal and other
22 expenses must be built into the OPP. Several states, such
23 as California and Maine, already have intervenor
24 compensation, and FERC should consider looking at these
25 states for guidance.

1 For instance, the industry is able to recoup
2 their legal fees from the ratepayers. Such a mechanism
3 should be available to intervenors who are opposed to
4 infrastructure development. We are also concerned about the
5 definition of what is considered a significant intervention
6 and what is considered reasonable attorneys fees. That the
7 funding would come after the intervention also puts citizens
8 and citizens groups at a disadvantage.

9 And finally using the OPP to warehouse
10 intervenors is a very big concern. This office cannot be
11 used to shuffle the public into a parallel and unequal
12 process. The public cannot lose any rights before FERC that
13 we have at this point. This office must be used to expand
14 our rights, not corral them. Our facts must not just be
15 listened to in this office; they must be acted upon.

16 We are concerned that working through the office
17 might have --

18 MS. ENGLE: You have 30 seconds.

19 ALICE ARENA: -- bar community members from
20 bringing -- later bringing FERC or other players to court
21 for appeals or other actions. We would like to see a voting
22 commissioner in the OPP who is solely a public advocate.
23 And finally, if an advisory board is developed, no industry
24 advocate should be seated on this Board, and truly no
25 industry advocate should be allowed anywhere near the OPP in

1 capacity.

2 The industry, as many have already said, is quite
3 well represented at FERC. Thank you for allowing me to
4 comment.

5 MS. ENGLE: Irene Leech, your line is open.

6 IRENE LEECH: Hello. This is Irene, I-r-e-n-e
7 Leech, L-e-e-c-h. And I am a landowner whose family farm,
8 that has been business for more than 100 years, was selected
9 to be bisected by the Atlantic Coast Pipeline for 1.1 mile,
10 going through the middle of our farm, through eight
11 different fields; and we found no way to get help to move
12 the line within our own property to the edges of our fields
13 instead of the middle of our fields.

14 Imagine that you're a consumer who gets a knock
15 on the door from a land agent who is telling you that a
16 company wants to put infrastructure on your property, and
17 they hope to work something out with you, but if you don't
18 agree, they're going to take it by eminent domain. That's
19 how the first contact happens in the real world. Most of
20 these citizens have never heard of FERC, and have no idea
21 how to participate in the intricate and very rule-heavy
22 processes. And frankly, as you've been hearing from
23 people today, the system is not set up to respond to
24 individual landowners.

25 And so the most important thing that I think this

1 office needs to do is to be there at a resource for
2 landowners. It needs to stop being primarily an entity that
3 supports the industry, but a neutral entity, and one that
4 allows support and helps to occur a process that gives those
5 landowners and communities an equal say in the outcome.

6 The compensation that you get for them taking
7 your land and taking first priority of your land nowhere
8 near takes care of the cost of a landowner who seeks to
9 stand up for their own right, for their business. There is
10 nothing in the process that makes these companies pay
11 attention to the needs of the businesses that they are
12 disrupting. And the thousands of dollars and hours and
13 hours and miles of driving and all of that that the process
14 requires truly discourages real landowner involvement.

15 MS. ENGLE: 30 seconds.

16 IRENE LEECH: So there are a lot more things that
17 I will submit in writing, but I hope that you will rebalance
18 the whole agency. I don't know whether this one office can
19 help do it; I doubt it. But please listen to all that
20 people are saying. Thank you.

21 MS. ENGLE: Francis Eatherington, your line is
22 open.

23 FRANCIS EATHERINGTON: Hello. This is Francis
24 Eatherington, E-a-t-h-e-r-i-n-g-t-o-n. I am calling from
25 Oregon and I am an impacted landowner on the Jordan Cove

1 project, and we've been impacted landowners since 2005 that
2 this project has been going on.

3 And so I agree with a lot of things that's
4 previously been said, I'm not going to repeat those. I
5 would like to have some suggestions on how to make it easier
6 for the public to participate.

7 Number One is, have an e-mail address for the
8 NEPA process so that we can send in our scoping comments and
9 our EIS comments to a simple e-mail address. We're used to
10 dealing with other federal agencies in our area like the
11 Forensic Service and BLM; they have complicated projects,
12 but they provide the public with a simple e-mail address we
13 can use to provide input. You know, they don't have a
14 complicated sign-up process like FERC has on the FERC site.

15 Now if FERC gives out an e-mail address to submit
16 comments on, you're going to get a lot more input from the
17 public; and that's the whole point, right? Of the public's
18 participation? Especially in rural areas with poor Internet
19 access, many of us have to engage with FERC using expensive
20 phone data.

21 Now, you know, this FERC project here in Oregon,
22 this is its third round of docket numbers. And so as an
23 impacted landowner, we didn't get these intervenor
24 processes the first time around. And I understand that some
25 suggestions have been that, for FERC to provide technical

1 assistance to landowners to get to this complicated
2 intervening process. But no, instead, the process should be
3 simplified. Don't give technical assistance for a
4 complicated process; simplify the process.

5 Impacted landowners should be automatically
6 intervened, and landowners should not be required to send
7 each of our comments to hundreds of other people, with our
8 poor Internet access. You know, our experience with the
9 other federal agencies, Forensic Service and BLM, for their
10 projects they have frequent public meetings, many now
11 through Zoom. And they have freaking field trips --

12 MS. ENGLE: Francis, you have 30 seconds.

13 FRANCIS EATHERINGTON: So, you know, FERC should
14 also require the comment deadline to be in the time zone of
15 the project. And FERC should also have more women on the
16 FERC Commission; more than just one woman. To be fair,
17 it's time for a majority of the Commission to be women.
18 Thank you.

19 MS. ENGLE: Richard Averitt.

20 RICHARD AVERITT: Excellent. My name is Richard
21 Averitt, last name is A-v-e-r-i-t-t. I'm a landowner from
22 Nelson County, Veterans Administration who spent six years
23 as a hostage to a broken federal process that does not serve
24 the public interest but instead puts the heavy hand of
25 federal power on the side of a corrupt industry and treats

1 affected landowners like insignificant collateral damage.

2 For the very first time in six years, I genuinely
3 believe that you are here to listen, to consider and to
4 change; and for that I am truly and deeply grateful to
5 Commissioner Glick and to each of you for this effort.

6 At the highest level, FERC must reframe its
7 mission in an era of abundant energy alternative and new
8 technology to enable a new kind of distributed
9 infrastructure that best serves the country and its
10 citizens. And yet, because this is about the OPP, here are
11 five very specific ideas that could be done immediately and
12 have a massive impact:

13 First, intervenors. Every affected landowner
14 should automatically be considered an intervenor by right
15 for the purposes of participating in any dialogue and
16 protecting their own rights. Any other solution removes our
17 constitutional-guaranteed right to due process in what is
18 already an obtuse and foreign system.

19 Second, intervenor support. Every developer of a
20 pipeline project should be required to pay a specific
21 percentage of the project or some dollar amount per
22 landowner into an escrow fund at the date of the
23 application. Use that fund to then pay reasonable attorneys
24 fees to counsel who represent landowners so that there's a
25 mechanism for landowners who are unable to afford a quality

1 defense get one for their rights. Today the only way a
2 landowner can secure counsel if they're not wealthy is to
3 enlist an eminent domain attorney who only gets paid if the
4 landowner ultimately loses their land.

5 Third, read us our rights. FERC should assume
6 the responsibility for distributing a clear and concise
7 guide to every affected landowner that explains landowners
8 rights and the FERC process before the first requests for
9 survey go out. We know that land agents routinely lie and
10 coerce landowners with both threats and promises, praying on
11 frightened and confused landowners.

12 FERC is the only agency with the capacity to
13 inform and protect landowners from predator land agents and
14 developer defeat.

15 Four, truth in taking. Legal agreements are
16 notoriously complex, and years ago we recognized how that
17 complexity was used to obfuscate the facts and prey upon
18 lenders in a mortgage process. As a result, we legislated
19 something called a Truth in Lending statement to require
20 that all of the key points of the contract be expressed in
21 two pages, up front, for anyone to read and rely on. FERC
22 should create a truth in taking statement that does the same
23 thing, for all FERC-enabled easements.

24 And lastly, standardized easements or better,
25 most favored nations. FERC must acknowledge that the act of

1 granting the power of eminent domain is the act of taking,
2 and everything that follows cannot be dismissed as a free
3 market agreement between two equal and willing parties. As
4 evidence of this, the very best terms for any easement
5 agreement --

6 MS. ENGLE: You have 30 seconds.

7 RICHARD AVERITT: Thank you. For the Atlantic
8 Coast Pipeline, or the terms that the State of Virginia got
9 from the developers for their easements on public land, FERC
10 should require a most favored nations clause so that every
11 landowner receives equal structural terms for the taking to
12 ensure that those with the least power to negotiate are by
13 design ensured the same substantive terms as those with the
14 most power and privilege.

15 As an alternative, FERC could develop and require
16 a standardized template for easements that lists each of
17 those federations and balances the contract between the
18 parties.

19 Thank you for your time.

20 MS. ENGLE: As a reminder, if you'd like to
21 comment, please press *1 un-mute, and record your name
22 clearly. Again, that's star-one, un-mute, and record your
23 name clearly. Thank you.

24 And Mary Finneran, your line is open.

25 MARY FINNERAN: Hi, my name is Mary Finneran.

1 M-a-r-y F as in Frank, i-n-n-e-r-a-n. I am a landowner that
2 has not been impacted by eminent domain. My heart goes out
3 to those who have spoken here. But I believe eminent domain
4 needs to not only see that landowners are represented but
5 that any individuals and residents who live within the
6 impact of an interface be represented.

7 Just for a case in point, I drive over the
8 Iroquois pipeline whenever I head Northwest, North,
9 Northeast or East. And currently there's a plan to possibly
10 expand the compressor station, which would mean there would
11 be a great deal more gas going through those pipelines.
12 Which concerns me; I'm driving over the blast zone every
13 day.

14 So I just want to say that I do think that, you
15 know, individuals who might be impacted by any pipeline at
16 this juncture need to be informed; any residents within an
17 area, not just the landowners. And also that the top
18 consideration for any eminent domain or pipeline should be -
19 - the good of society should be the peoples' concerns, the
20 peoples health and environment and not the economic growth
21 and fiduciary concerns of energy companies. I personally
22 believe all energy, all gas -- and all energy should be
23 public domain and that the corporations, the for-profit
24 corporations need to be removed, and that FERC needs to be
25 the agency that oversees it.

1 Thank you. I'm done.

2 MS. ENGLE: Richard C

3 your line is open.

4 RICHARD COLE: Yes, hi. Thank you. My name is
5 Richard Cole. R-i-c-h-a-r-d C-o-l-e. I'm a citizen living
6 in Pennsylvania, which is the second-largest oil and gas
7 producing state in the country.

8 Now, I am not myself -- let me just first say I
9 don't have well-prepared notes because of time constraints;
10 but I will say that first of all I'm not impacted directly
11 in terms of land, though I am potentially in a blast zone
12 for projects that are in the -- well, they're in the in-
13 process, these projects, including a pipeline that is going
14 from the Northeast part of Pennsylvania down through the
15 state and into New Jersey, and this would be LNG, liquefied
16 natural gas for export to other countries.

17 And my concern is certainly for the health and
18 safety of those potentially impacted by new projects, along
19 with of course those that already exist. And these things
20 include leakage and spills, contamination of water,
21 pollution of air, environmental damage, noise pollution,
22 truck traffic, and the risk of explosions which in my case
23 would certainly be a consideration, as there are proposed
24 routes for both rail and truck that are being discussed; and
25 the routes cut through -- a number of these routes cut right

1 through my county, and a couple of them run within a mile of
2 where I live.

3 And of course there are climate considerations
4 with all of this, where we should be thinking more about
5 renewable alternative energy as opposed to allowing these
6 fossil fuel companies to set up infrastructure that will
7 enable them to sell their products overseas.

8 So my main consideration is a mechanism by which
9 the Office of Public Participation can engage fully the
10 public, and the communities, landowners, businesses that
11 would be impacted, and to ensure that there are mechanisms
12 that will allow --

13 MS. ENGLE: Sir, you have 30 seconds.

14 RICHARD COLE: Thank you. That will allow for
15 any and all individuals to know about what projects are
16 being considered, along with any risks and what individuals
17 would need to do in case there are accidents, as I said,
18 with leaks and potential explosions.

19 So my take on it is just that we need to ensure
20 that everybody is in the know. So thank you for the
21 opportunity to express my thoughts.

22 MS. ENGLE: Nan Gray, your line is open.

23 NAN GRAY: Thank you. My name is Nan Gray, I am
24 a soil scientist, a licensed professional soil scientist.

25 One of the things I see the OPP doing is to take

1 care of the concerns of those of us who comment to FERC,
2 saying you have a danger, you have a soil that is going to
3 fall down the hill; you have a soil that cannot stay in
4 place when it is trenched. Mountain Valley Pipeline passes
5 through my part of the world. We have extremely steep
6 terrain, we have soils that have shrink-swell-clay. What
7 that means is when the water gets into the clay -- and you
8 cannot stop rain -- that clay soaks up water, it just keeps
9 soaking up water. It soaks up water so much it heaves. And
10 then when it dries out, it dries up so much it cracks.

11 Houses in this area have broken foundation; that
12 is, if they're built in shrink-swell-clay. We have that, we
13 have a high water table, we have soils that are landslide-
14 prone soils. So these are multiple problem-prone soils, and
15 I will try to tell FERC, you have a danger here. I've
16 looked at the soils Mountain Valley Pipeline provided, which
17 was only by computer, nothing verified; their information
18 says that 78 percent of the 300 miles of Mountain Valley
19 Pipeline will fail. They will fall down the hills, they
20 will cave into caves, they will fall into sink holes. There
21 will be a high water table, there's a frost; they're shrink-
22 swell-clay. There are landslide-prone slopes. Mountain
23 Valley Pipeline keeps calling things 'slip' -- oh, there,
24 there. "It slipped down the hill." 15 feet, 75 feet. No
25 thank you.

1 If we know the soils are not able to stay in
2 place, they have been mapped by the natural conservation
3 service as not being stable for construction. Mountain
4 Valley Pipeline in particular said to FERC: "Do we have to
5 give you more soils information?" FERC said No. That was
6 wrong. FERC should have said, 'You need a detailed, on the
7 ground. Every soil unit should be identified along every
8 inch of your pipeline so that when we get to a soil that's
9 either slip or heave, we know it. And we can either
10 reinforce it or not.'

11 In the case of Karst, which is a soluble
12 limestone -- well, it's a soluble rock. So water passes
13 through it and eventually eats a hole through it. In
14 Southwest Virginia and West Virginia we have Karst
15 everywhere; we have limestone, we have a high vulnerable
16 water table, we have acid sandstone laying on top of
17 limestone, basic limestone rock. And that chemistry makes
18 more --

19 MS. ENGLE: 30 seconds.

20 NAN GRAY: Yes. That chemistry makes more holes.
21 If you trench it, if you blast it there are problems that
22 will happen to your water.

23 Mountain Valley Pipeline blew up a cave over here
24 in the exclusion zone. It should remain in exclusion zone,
25 spread G. They blew up a cave over here and then they

1 covered it up and said 'No, no, it's not there.' There are
2 sink holes that have formed because the rocks they put in
3 have fallen in to the void.

4 Folks have died around here with the anxiety of
5 the Mountain Valley Pipeline coming through their land that
6 they've lived on for seven generations. We need a
7 programmatic Environmental Impact Statement. Now we know
8 the damage Mountain Valley Pipeline's done. Now we need a
9 programmatic environmental impact statement before this
10 project moves forward half an inch --

11 MS. ENGLE: -- time --

12 NAN GRAY: You need to freeze all pipeline
13 construction because --.

14 MIKE SPILLE: Hi, can you hear me?

15 MS. ENGLE: Yes, sir.

16 MIKE SPILLE: My name is Mike Spille, S-p-i-l-l-
17 e. I'm Chairman of the West [] Environmental Commission in
18 West [], New Jersey, and also an impacted landowner along
19 the proposed natural gas pipeline route. I'm speaking for
20 Dom today about permitting of natural gas pipeline projects.

21 I believe while it's nice to have an Office of
22 Public Participation, I really feel that ultimately this
23 will be window dressing and does not cure the larger issues
24 at FERC. FERC is certainly difficult to work with; NGOs and
25 communities, local governments have been able to figure it

1 out over time. We've been able to figure out how to
2 intervene in proceedings. We figured out the awful FERC
3 eLibrary and eFiling systems. We've hired lawyers and
4 domain experts and others to try to engage in a rational
5 discourse about pipeline siting and permitting. We've
6 poured through the National Gas Act and FERC policies. The
7 OPP must and should aid to make
8 these activities easier and more transparent, but these
9 issues aren't really the heart of the problem with FERC.

10 The heart of the issue for impacted landowners
11 and for state governments and local governments is there's
12 no rational discourse to be had with FERC on pipeline
13 permitting. Over the past several decades, FERC has
14 approved every pipeline project before it, with the
15 exception of one or two. Today, impacted landowners and
16 community members have already been given many forums to
17 speak in by FERC; their public scoping meetings, the eFiling
18 and eComment systems, other avenues of participation. I
19 personally participated in many pipeline proceedings that
20 have garnered literally thousands of comments in opposition
21 and generated nearly 2,000 intervenors, and proved
22 participation in more meetings will help.

23 But participation is not the overriding problem
24 with these types of proceedings. The real core problem is
25 that landowners' and local government comments go unheard by

1 FERC. They are effectively thrown in the circular file. It
2 does not matter what objections are made against the
3 project, what science or evidence is presented, FERC
4 historically will and will continue to ignore all comments
5 against the project and unilaterally side with the pipeline
6 company.

7 If you have a perverse sense of humor, actually
8 some of the reasoning in FERC's certificate orders are very
9 entertaining. It's amazing to see what level of legal
10 gymnastics the Commission will go through to find in favor
11 of a pipeline company. At best, if you're extraordinarily
12 lucky you might get a condition tacked on to the certificate
13 order.

14 State governments face the same obstacles; FERC
15 will routinely ignore any and all objections of state
16 governments to natural gas pipelines. In the case of New
17 Jersey, we're actually going all the way to the Supreme
18 Court to fight against 42 properties that [] is trying to
19 take against us.

20 FERC's 1999 policy statement speaks extensively
21 about how the Commission is supposed to weigh environmental-
22 -

23 MS. ENGLE: Sir, you have 30 seconds.

24 MIKE SPILLE: Yep, thank you.

25 The 1999 policy statement speaks extensively

1 about weighing environmental and eminent domain impacts
2 against the benefits of the pipeline. Unfortunately, FERC
3 completely ignores its own policy on a routine basis. It
4 has never, based on my research, done any kind of weighing
5 at all on greenfield certificate proceedings in the past 20-
6 plus years.

7 You know, a lot of the things that are being
8 proposed here by the OPP will help changing things around,
9 conditional orders and eminent domain ordering, but it will
10 help the FERC ultimately ignore landowners and states in the
11 end.

12 Basically what we need here is we really need
13 FERC to fundamentally change and recognize regional issues
14 of pipeline permitting, regional issues with overbuilding of
15 pipeline infrastructure. Fundamentally what I'm asking is
16 that pipeline companies be forced to do business like every
17 other kind of business in the United States; that they be
18 forced to negotiate in good faith with individuals,
19 municipalities and state governments, and not be given carte
20 blanche by FERC.

21 Thank you.

22 MS. ENGLE: At this time we'd like to open the
23 line to Commissioner Clements to say a few words.

24 Your line is open.

25 COMMISSIONER CLEMENTS: Thank you. Hi, all, this

1 is Commissioner Clements. In light of the unique virtual
2 nature of this listening session, we just wanted to let you
3 know that we are still listening. We appreciate the stories
4 you're sharing and the preparation you've put into your
5 remarks as well as the suggestions you are providing. Lest
6 you be concerned that you're speaking into the ether, thank
7 you for being patient and waiting for your place in line to
8 speak. Thank you.

9 MS. ENGLE: Next up to provide a comment is Chris
10 Kopp. Your line is open.

11 CHRIS KLOPP: Hi, my name is Chris Klopp,
12 spelled C-h-r-i-s K-l-o-p-p. I've been involved as an
13 intervenor in state utility dockets, and I've also worked
14 with the public, organizing landowners and residents who
15 oppose utility projects that are threatening their way of
16 life.

17 Utility projects are currently having dramatic
18 and devastating effects on rural America. Public input is
19 very important. So I support the creation of the Office of
20 Public Participation as a way to actively support the public
21 in having a voice in FERC matters. In my experience, all
22 regulatory processes currently favor the utilities, whether
23 that be local, state or federal. OPP can have a role in
24 fostering a better balance for the public in relation to
25 utility interests, at least for FERC processes.

1 With regard to what OPP's director would need in
2 order to achieve the goals of a public participation office,
3 it is critical that the director be free of any and all
4 utility entanglements, including connections to investors
5 and utility-supported organizations. The qualifications of
6 the director should include skills in public outreach and
7 education.

8 To the extent that OPP provides support to
9 organizations, they should enact strict screening and
10 disqualify organizations who receive any utility funding or
11 utility donations or have a vested interest in utility or
12 merchant power plant projects.

13 OPP should enlist ongoing public input by
14 instituting a retail customer advisory presence. This can
15 be done by making a retail customer advisory panel either as
16 an arm of OPP or incorporating into the office to advise on
17 decision making processes.

18 A customer advisory board could be incorporated
19 into FERC standard operating procedures and could be
20 facilitated by OPP. A customer advisory board could be a
21 stand-alone entity for the purpose of advising FERC, and
22 could also be facilitated by OPP.

23 All members of any customer advisory board should
24 be vetted to eliminate all utility entanglements. OPP could
25 act as an interface to FERC, bringing public --

1 MS. ENGLE: Ma'am, you have 30 seconds.

2 CHRIS KLOPP: -- to FERC's leadership and staff
3 regarding operation and policy development. OPP could
4 provide a public intervention education resource that would
5 include: written material on intervening processes,
6 including step-by-step details of what's required in layman
7 terms; offering an intervening course or workshop on an
8 annual or semiannual basis, addressing both pro se
9 intervention and those with representation; provide
10 intervenor funding and looking to improve how that works;
11 provide a phone line to answer questions that individuals
12 are having about intervening process.

13 So I thank you for this opportunity and I hope
14 that we will actual see the changes that need to come about
15 in this office. Thank you.

16 MS. ENGLE: Roberta Bondurant.

17 ROBERTA BONDURANT: Good afternoon. Hi, my name
18 is Roberta R-o-b-e-r-t-a Bondurant, B as in boy, o-n-d-u-r-
19 a-n-t. I am a member of Preserve Bent Mountain, and a co-
20 chair of Protect our Water Heritage Rights, a coalition of
21 14 member organizations, grass roots organizations that came
22 together in 2015 in West Virginia and Southwest West
23 Virginia.

24 I appreciate your hearing us, Chairman Glick,
25 Commissioners Clements and Chatterjee. I appreciate the

1 words honest progress and fair and respectful that you all
2 have used in your introductions.

3 I would like to ditto the request of Tonia Moro
4 with regard to the participation of the public interest
5 attorney, let's see, Richard Averitt; and Ms. Bulina
6 mentioned responsible attorneys fees, specifically
7 requesting a public defender. And I'll get to that point in
8 my comments. And Ms. Eatherington mentioned offering an
9 e-mail address, the most simple form of access. And so that
10 simplifies one of my requests.

11 It is imperative in my mind that the first FERC
12 Office of Public Participation, and you folks,
13 commissioners, understand the plight of mostly rural, often
14 elderly populations.

15 The wheels of justice may move more slowly along
16 many pipeline routes than in FERC at this moment. In some
17 many law-abiding, taxpaying landowners get less process than
18 suspected drug dealers in property courts, but you're
19 proceeding in eminent domain It is imperative for FERC
20 officials as public servants to understand the lion's den
21 into which you throw landowners when you certificate a
22 project.

23 So we ask that you provide for local offices if
24 you cannot provide for an e-mail address. Perhaps you'll
25 consider providing a local office in any event to assist

1 landowners who do not have technological or Internet
2 capability.

3 Who should serve? Perhaps a state or federal
4 practicing public interest attorney or other advocate
5 knowledgeable of FERC and eminent domain practice who
6 understands the full range of eminent --

7 MS. ENGLE: Roberta, you have 30 seconds.

8 ROBERTA BONDURANT: I will submit the rest of my
9 comments to writing. Thank you.

10 We ask you again to consider a public defender.
11 Presently eminent domain counsel are paid by a portion of
12 the easement sale itself. And I ask you to consider how
13 that affects practice in each of these pipeline routes.
14 Thank you.

15 MS. ENGLE: Karen Feridun, your line is open.

16 KAREN FERIDUN: Thank you. My name is Karen Be
17 K-a-r-e-n F-e-r-i-d-u-n, and I'm the founder of Berk's
18 Guest [] in Pennsylvania, and I'm speaking today on behalf
19 of the Voices Coalition, a national coalition of over 350
20 grassroots activists, environmental leaders, lawyers and
21 experts from 35 states working together to oppose the
22 proliferation of fracked gas pipelines, LNG exports and
23 their associated infrastructure nationwide.

24 The process we are commenting on today is in
25 tandem with PL18-1, Renewed Inquiry Into the Process of

1 certifying new pipeline project. Substantive issues like
2 eminent domain, climate change, health and environmental
3 impacts with shale gas development, and others are topics
4 being expressed in that docket.

5 For the past several years, members of our
6 coalition have met with commissioners to discuss those
7 substantive issues and the carefully crafted reforms we
8 have developed to address them.

9 We have heard Chairman Glick express a desire to
10 build public confidence in the Commission's decision-making
11 process and his view that the creation of an Office of
12 Public Participation is a means to that end. We believe
13 that any process that results in the use of eminent domain
14 for private gain or the approval of more natural gas
15 infrastructure that exacerbates climate change will likely
16 become an asset; or adversely impacts the health of people
17 and the environment is not a successful one.

18 An easier-to-navigate, more user-friendly,
19 responsive and more congenial process created by the new
20 office that leads to those outcomes is not an improvement
21 over the public participation process currently in place.
22 Our concerns must be addressed.

23 For years our member organizations have been
24 among the many that have taken part in the existing process.
25 FERC dockets are full of substantive comments from the

1 public and from experts the public has engaged.
2 Incidentally, we have also commented about our issues with
3 the FERC pipeline review process itself.

4 Is there any other way to interact with the
5 Commission on those matters?

6 For years our points have been largely ignored
7 unless and until we can make them in court. FERC has earned
8 the public's lack of confidence in its decision-making
9 process. It will take much more than establishing an Office
10 of Public Participation for FERC to regain our confidence.

11 The Commission can start by implementing the
12 reforms we have recommended. We will submit them to the
13 PL18-1 docket as our written testimony, and we would be
14 happy to work with the Commission on their implementation.
15 Thank you.

16 MS. ENGLE: Nancy Harkins, your line is open.

17 NANCY HARKINS: Thank you. My name is Nancy
18 Harkins and I am a resident of Chester County, Pennsylvania.

19 In my neighborhood, the energy transfer Sonoco
20 Mariner pipelines and the Adelpia Pipeline are
21 approximately half a mile apart. My home is equidistant
22 between the two. My husband and I are extremely concerned
23 about the hazards presented by these type of unnecessary and
24 dangerous projects, that will result in significant
25 environmental impacts. In fact, the Mariner project already

1 has.

2 I'm an intervenor in both the Adelphia and Pence
3 East projects, but I struggle to be informed and engaged in
4 the process. I've submitted numerous written comments; and
5 on one occasion I recorded my comments about Adelphia in a
6 very ineffective session that was held in a hotel meeting
7 room outside Philadelphia with only a FERC employee in
8 attendance.

9 While there must be at least a perfunctory
10 response to these comments it is difficult for me to locate
11 them, much less anyone else. I have little expectation that
12 my concerns have ever been considered at all.

13 It is difficult for the average non-industry
14 person to navigate the process, know the critical steps and
15 the timeline for engagement. I have been reliant on
16 community word-of-mouth or updates from environmental groups
17 who participate. In fact, that's how I learned about this
18 session.

19 It is even more challenging; one resident's need
20 to navigate FERC-regulated projects in close proximity with
21 non-FERC projects such as the energy transfer Sunoco Mariner
22 Pipeline as I have had.

23 In my experience the FERC process is convoluted,
24 obtuse and wholly unresponsive to the concerns of affected
25 community members. This is compounded by my belief, which

1 has been so well articulated by previous speakers, that FERC
2 does not act in the best interests of the people of the
3 United States, and therefore has no credibility.

4 FERC needs to consistently perform in a manner
5 that establishes trust. Without establishing trust, an
6 Office of Public Participation is just lipstick on a pig.

7 Part of establishing trust is facilitating public
8 participation in a genuine effective manner. The timing of
9 this meeting is yet another example of FERC's tone deaf
10 behavior.

11 MS. ENGLE: You have 30 seconds.

12 NANCY HARKINS: You are inviting public comment
13 at a single session, mid day and mid week at a time that is
14 likely to be inconvenient and inaccessible for most people.

15 Many impactful suggestions for reform have
16 already been submitted prior to today, as Karen Feridun
17 alluded to. FERC should seriously address adopting these as
18 quickly as possible and not waste any more time going
19 through the motions. FERC has a major role to play in
20 addressing the devastating impacts of climate change that
21 are already upon us. The people of the United States and in
22 fact the world can't afford to wait any longer. Thank you.

23 MS. ENGLE: As a reminder, if you have a comment,
24 it's *1, un-mute, and record your name clearly. Again,
25 that's star-one, un-mute, and record your name.

1 Next up we have Ron Schaaf and Deb Evans. Your
2 line is open.

3 DEB EVANS: Thank you. Rom is spelled R-o-m
4 Schaaf, S-c-h-a-a-f, and Deb, D-e-b Evans, E-v-a-n-s.

5 Thank you so much for this opportunity. Rom and I
6 have been affected landowners on the Pacific Connector
7 Pipeline in Southern Oregon for over 15 years, and three
8 iterations of this project.

9 Our comments today will focus on hindrances
10 Oregon landowners have faced and remedies the Office of
11 Public Participation can provide as a neutral entity.
12 Hindrances to landowner participation include the complexity
13 of navigating FERC websites, the lack of Internet
14 capability, mistrust of the company, lack of resources, and
15 the need for a neutral, trusted entity to simply walk them
16 through the process to intervene and to comment.

17 Having three times to learn the ropes, and
18 providing support for each other, has increased intervenors
19 from 52 to over 400 in the third round. Many of these
20 landowners were able to navigate the simpler process at
21 other local, state and federal agencies and did so via
22 e-mail, mail and in person. A significant factor to
23 increase landowner engagement was landowners supporting each
24 other. Our having the ability to communicate with affected
25 landowners was imperative to making sure they received the

1 notice and could weigh in on these permit procedures.

2 We found that being kept in isolation by FERC's
3 practice of withholding affected landowner names and
4 addresses from the public was probably the singlemost
5 damaging to landowners' self-interest, limiting both
6 understanding of the process and the ability to engage.

7 The 9th Circuit Court, in our challenge to FERC's
8 practice, agreed with us that the public interest was better
9 served by publishing landowner lists.

10 Recommendation No. 1: OPP should make the names
11 and addresses of affected landowners available from day one.

12 No. 2: OPP and not the company should take
13 responsibility for all notifications and clearly written
14 instructions made available by mail, on line, and with the
15 phone number to call for questions.

16 No. 3: Simplify the procedure so that
17 participants can send an e-mail or mail in comments and
18 motions to intervene. Better yet, consider having all
19 landowners be intervenors automatically, requiring no
20 process, since they are directly impacted.

21 No. 4, provide copies of a clear policy statement
22 governing FERC Section 7 certifications including specifics
23 on how and when the public interest is determined.
24 Understanding how FERC makes decisions and how and when it
25 conducts the balancing test to determine public interest

1 against adverse effects allows landowners to provide
2 relevant, critical information that will help FERC make
3 better decisions and better and more informed decisions.

4 5: Make information available in a format
5 landowners can address. Many in Oregon have no Internet
6 access. Provide hard copies as needed.

7 6: Create a landing spot at OPP to report land
8 agent and company misconduct anonymously and where
9 consequences are implemented. It was communication between
10 landowners that brought to light intimidation,
11 misinformation and pressure tactics being used particularly
12 toward older widows confronted by persistent land agents at
13 their home. Many were afraid to report actions publicly to
14 FERC for fear of retaliation by the company later on.

15 Allowing landowners to support each other, report
16 abuses anonymously, and simply ask OPP staff if what they've
17 been told is true, better informs FERC on the company's
18 behavior and helps verify that information given to
19 landowners is accurate and ethical.

20 7: The structure of OPP should include regional
21 field offices and an ombudsman for landowners, encourage
22 engagement and provide a neutral entity whose mission is to
23 advocate for a fair and unbiased process.

24 8: Creating an advisory board would better
25 inform OPP how to obtain this mission and should have, a

1 minimum have one to three landowners representatives who
2 have experienced firsthand the FERC process as an affected
3 landowner and have worked directly with landowners in
4 Section 7 proceedings.

5 Last, OPP should use California's public
6 utilities code section 1800 to 1807, amended to ensure that
7 landowners and other key stakeholders are eligible to
8 receive compensation as intervenors.

9 Thank you so much for this opportunity to provide
10 comment.

11 MS. ENGLE: Richard Walker, your line is open.

12 RICHARD WALKER: Can you hear me?

13 MS. ENGLE: Yes, sir, we can hear you.

14 We can hear you, Richard. Go ahead.

15 Richard, can you check your mute button?

16 RICHARD WALKER: Sorry about that. Can you hear
17 me now?

18 MS. ENGLE: Yes, sir.

19 RICHARD WALKER: All right. As I was saying, I
20 hope this is not an exercise in a patronizing gesture to say
21 that you did something as a newly formed commission.

22 I come from an area, Buckingham Union Hill where
23 it was truly a reckless and irresponsible permitting classes
24 by FERC that affected the historically African-American
25 community, that they never looked at, never saw, never took

1 into account the impact that the ACP would have had.

2 Fortunately, we've had the support and assistance
3 of numerous environmental justice organizations that came to
4 our aid, and even the Southern Environmental Law Center,
5 that we took the ACP to court and we won. We fought off
6 the Goliath; we got rid of Dominion out of Buckingham, out
7 of Union Hill.

8 Rural landowners to this day now still have not
9 gotten their land back as a result of this being denied and
10 being vacated by the 4th District Circuit Court. And that
11 is like implorable; why should they not get their land back
12 to us? My family had owned our land for over 130 years,
13 just as Ms. Leech indicated about her family. This is a
14 historical, rural area that has been destroyed through
15 FERC's permitting, but then the State of Virginia, they go
16 based on what FERC says, and then they do it; then the
17 County Board of Supervisors, because they have no revenue,
18 they're going to basically take whatever money they can get
19 from any of these corporations that come in there to destroy
20 these areas of primarily folk that have been there for
21 generations.

22 Eminent domain. They attempted, threatened and
23 came after elderly folk, saying 'If you don't sign for an
24 easement, we're going to take your land through eminent
25 domain.' You know, the systemic racism and overall

1 exploitation, you know, starts and ends with FERC.

2 And it's time for FERC to stop feeding into the
3 corporate greed of primarily frack companies and companies
4 that really have no need to even get gas out of the land,
5 because there's no need for it in the Commonwealth of
6 Virginia. And it's at that time and point where it 's time
7 for definitive action to take place to stop the corporate
8 greed in the United States.

9 Listening to these folks coming from the East,
10 West, North and South, they're having the same issue that
11 FERC has been permitting all of these corporations. We
12 already have the Transco line on our property. We're in a -
13 - zone as it is. If we allow for the ACP to come through,
14 if we allow for the MVP to come through, all of these lands
15 and all of these areas can, you know, there won't be no
16 survivors. You know, if something, an explosion were to
17 happen, it would take out the entire community.

18 None of this is being looked at prior to FERC
19 giving these permits. It's high time that you at least have
20 some regional offices if not local offices that can address
21 the issues of whether this is an environmentally safe
22 community or safe part of the United States to have, allow
23 for these permits. It is not that they should not even have
24 -- there should be a moratorium on any new type of fossil
25 fuel construction going on anywhere in America.

1 It's time for us to stop allowing corporations to
2 run this country as opposed to smart, smart --

3 MS. ENGLE: Your time is coming up.

4 RICHARD WALKER: -- economical as well as climate
5 control to be taking place and renewable energies. It's
6 high time to change the narrative of allowing permitting
7 through FERC. Thank you for the time.

8 MS. ENGLE: Irene Gilbert, your line is open.

9 IRENE GILBERT: Hello. Can you hear me?

10 MS. ENGLE: Yes, we can. Yes, ma'am.

11 IRENE GILBERT: My name is Irene Gilbert and I am
12 the co-chair of the Slot B2H Coalition, which is a group of
13 nine nonprofits and approximately 900 individuals who are
14 responding to the Fordman-Hemingway transmission line.

15 Let me make some broad comments first in terms of
16 recommendations. B2H is a, basically a three way with no
17 off ramps that's going to run 300 miles through Eastern
18 Oregon, and the notice regarding this transmission line is
19 only provided to people who are impacted, to live within 250
20 feet of the transmission line.

21 So the notice requirement should be expanded
22 significantly. And eminent domain should not be allowed for
23 profit-making developers because infrastructure development
24 is basically a way that developers are assuring income over
25 the long run in a questionable economy.

1 FERC should be the one to provide information to
2 the landowners. In this instance, Idaho Power has actually
3 told some people that they didn't need to participate in the
4 process because ultimately they were not planning on putting
5 the line on the sections that they were involved with.

6 So the energy market changes need to be
7 incorporated into the decisions to build pipelines,
8 transmission lines, and other energy infrastructure.
9 There's no consideration for such things as increased
10 rooftop, solar, microbridge, battery storage, small nuclear
11 and those kinds of alternate methods of providing energy
12 that do not necessarily require high voltage transmission
13 lines.

14 Siting decisions need to include a robust cost-
15 benefit analysis that includes impacts to wildlife, local
16 economic impacts, citizen health and safety, and recognize
17 that while long term impacts to global warming are important
18 to the people and wildlife, when developers are bringing
19 wildlife to the verge of extinction today, I'm not sure that
20 the cost justifies the long term benefits.

21 Financing for private citizens to participate
22 needs to exclude organizations that accept funding from
23 energy developers with the financial benefits from the
24 project.

25 I believe that dollars should be available in

1 grants because many of the individuals do not have the up-
2 front money to participate in the process --

3 MS. ENGLE: Ms. Gilbert, you have 30 seconds.

4 IRENE GILBERT: -- a rule set up, a public
5 process that establishes criteria for issuing the grants.

6 Changes occurring post-authorization of the
7 development should require a public process. Funds are not
8 conceded until after the development is improved.
9 Expanding sites are allowed, and when developments are
10 changing out loaders and expanding the site locations
11 without any public involvement.

12 I believe there is a contact list the public can
13 sign up for, and we're saving notices from FERC, and there's
14 a lot of accumulative evaluation of these developments. For
15 instance, when you put a transmission line across a state it
16 is going to encourage a lot of wind and solar development
17 along that course, and --

18 MS. ENGLE: Ms. Gilbert, your time has expired.

19 IRENE GILBERT: -- in Oregon. I sat in on a
20 legislative committee where they were asking, 'Where are we
21 going to put all these wind farms? They're going to take up
22 a lot of land.' And had one of these representatives say
23 "Well, there's a lot of land in Eastern Oregon." That's
24 kind of the attitude.

25 And in Oregon, the Department of Energy bills the

1 developers directly to pay for their action. For example --

2

3 MS. ENGLE: Your time has expired.

4 ALEXIS BERENGs: Can you hear me?

5 MS. ENGLE: Yes, we hear you.

6 ALEXIS BERENGs: Okay, thank you. My name is

7 Alexis Berengs, A-l-e-x-i-s B-e-r-e-n-g-s. And the

8 Environmental Policy -- Lambert, New Jersey and New Hope,

9 Pennsylvania. I work in international environmental law and

10 policy as pertaining to indigenous and environmental justice

11 communities, and I am also a current student of marine

12 biology and ecology. I am a mother of a four year old who

13 is too young to speak for his future.

14 I was born and raised in the Delaware River town

15 of Lambertson, New Jersey, and our community collectively

16 has said no to the Penneast pipeline. We have been fighting

17 against the pipeline for nearly a decade, yet FERC has

18 continuously denied our voices and concerns.

19 Your sessions of open comment are intentionally

20 confusing and only serve to placate the victims of the

21 decisions you have already made. On February 20th of 2020,

22 you granted Penneast Pipeline Company's request for

23 extension of time to complete construction and make the

24 project available for service in two years, to January 2022.

25 Despite numerous protests from landowners and

1 concerned citizens, fracking was banned in the Delaware
2 River Basin in February of this year, sending a clear
3 message that the Delaware River Basin communities do not
4 want the Penneast pipeline constructed. The New Jersey
5 District Court denied Penneast's claimed eminent domain,
6 resulting in the upcoming supreme court case this April,
7 despite what residents in the Delaware River Basin want.

8 FERC is directly funded by the industry it is
9 intended to regulate, leaving communities at risk and
10 heavily victimized. There's a clear conflict of interest in
11 the lives of generations in your game. Focus should be on
12 green energy, not perpetuating fossil fuel. Future
13 generations are the ones who suffer, including my four year
14 old son, whom you probably hear in the background.

15 I no longer swim in the Delaware River due to
16 pollution, and I certainly like enjoying our beautiful
17 river. The blood and oil is on your hands. We are
18 signatories to the Paris Accords and FERC works directly in
19 opposition to this agreement. FERC should focus on the
20 future, not antiquated and contested sources of energy.

21 The financial and environmental cost to
22 communities to clean up oil spills and brownfields after
23 your decisions far outweighs the temporary benefits of a
24 handful of jobs in dirty energy that perpetuate pollution.

25 FERC is misusing legal loopholes and ignoring

1 court orders to advance vast infrastructure projects while
2 preventing effective and concerned communities from
3 participating in the process. FERC is required to provide
4 adequate notice to landowners, and it has delegated that to
5 pipeline companies without proper oversight, which has
6 resulted in landowners not understanding what their rights
7 are or how to intervene with the FERC process.

8 MS. ENGLE: Alexis, you have 30 seconds.

9 ALEXIS BERENGIS: -- public comments is purposely
10 challenging and confusing, resulting in many voices not
11 being represented.

12 We, the people of the Delaware River Basin demand
13 an independent investigation of FERC and that necessary
14 reforms be identified. We need a review of FERC by Congress
15 in the form of congressional hearings as well as
16 investigation by the Government Accountability Office. If
17 you really cared about the people, this call would not be
18 sowed with
19 the grievances of victims of your decision.

20 We see you, we are watching, we are educated and
21 we are organized. It is time that you listen to the people.
22 Thank you.

23 MS. ENGLE: Rosemary Wessel, your line is open.

24 Rosemary Wessel, your line is open.

25 ROSEMARY WESSEL: Can you hear me?

1 MS. ENGLE: Yes, ma'am, we hear you. Thank you.

2 ROSEMARY WESSEL: Okay. My name is Rosemary
3 Wessel. That's R-o-s-e-m-a-r-y W-e-s-s-e-l. I'm with
4 Berkshire Environmental Action Team, a longstanding
5 environmental nonprofit that seven years ago started
6 engaging, educating our neighbors and communities in New
7 England and upstate New York that had been impacted by a
8 large Kinder Morgan gas transmission pipeline.

9 I want to thank FERC had Chairman Glick for
10 starting this initiative for an Office of Public
11 Participation. Given the amount of projects placed in
12 environmental justice communities across the country, where
13 English is not the primary language, it is imperative that
14 this listening session be held again when translation
15 services are available, and at a time when more working
16 people are able to attend. It is unconscionable to hold
17 hearings on public participation that leave out key members
18 of the public.

19 To ensure that the Office of Public Participation
20 isn't merely the office of FERC lip service, there needs to
21 be a full voting position for advocates, for landowners and
22 community stakeholders on panels for each individual project
23 being submitted for certification.

24 I concur with other commenters who have argued
25 for simplification of the process, including less

1 technologically demanding ways to engage and automatic
2 intervenor status for directly impacted landowners and
3 municipal and regional officials. The OPP should also be
4 responsible for directly notifying all impacted landowners,
5 municipalities and their elected officials of new projects
6 with descriptive documents, education on legal rights, and
7 participation in the certification process.

8 OPP should also be responsible for direct
9 meetings with each individual impacted who cannot make it to
10 scoping hearings and other procedural processes. In the
11 case of Kinder Morgan's Northeast Energy Direct, most local
12 officials found out about the intended project when
13 landowners inquired about who was approaching them for land
14 surveys but with little to no description of a project by a
15 company none of them had ever heard of.

16 Our main concern at BEAT is that the OPP will
17 become the digital equivalent of a cordoned-off free speech
18 area, and the process of constructing this office needs to
19 include far more input than four listening sessions, in
20 silent groups of stakeholders and not available to non-
21 English speaking members of the public.

22 I do hope that recordings of transcripts of these
23 listening sessions will be made available for those who are
24 not able to participate today, and thank you for the
25 opportunity to speak.

1 MS. ENGLE: Carl Zipper, your line is now open.

2 CARL ZIPPER: Hello. My name is Carl Zipper, Z-
3 i-p-p-e-r. I live in Blacksburg, Virginia. I'm not an
4 affected landowner but I very much appreciate the comments
5 of the affected landowners. I am, however, a person who has
6 attempted to comment, who has commented extensively on
7 Mountain Valley Pipeline due to my concern of its potential
8 impacts.

9 The OPP should ensure that affected parties are
10 provided with an updated, current geo referenced and
11 accessible version of the project proposal they are expected
12 to comment on. As the project proposal goes through the
13 FERC process, the initial proposal goes through numerous
14 changes. These include both routing changes and changes to
15 the application and supporting documents. But a current
16 version of the project proposal is not provided to the
17 public as a complete document. Providing potential
18 commenters with a current and updated copy of the
19 application would allow affected parties to be aware of
20 what it is they are expected to comment on.

21 Similarly, access to current geo referenced
22 location information would enable commenters to compare
23 proposed routings to the geo spatial data describing the
24 location of potentially affected environmental resources, as
25 is commonly done today.

1 This is in contrast to the current procedure as
2 we experience it here in Southwest Virginia, where the
3 initial application was supplemented by numerous amendments
4 and changes, including changes to the routing, changes to
5 stream crossings, changes to environmental restoration
6 methods and changes to all manner of construction details.
7 Yet these changes are never communicated to the public in
8 the form of a current, updated and accessible application.
9 They are communicated as amendments to FERC filings posted
10 to a docket, and as appendices to such filings, and as
11 exhibits attached to appendices and so forth. And as
12 subsections to exhibits attached to the filings and so
13 forth.

14 Being aware of the current status of a project
15 proposal requires an arduous, complex and time-consuming
16 procedure of following individual changes, which are
17 typically posted to the public as individual documents to a
18 FERC docket, while intermingled with thousands of others and
19 hundreds of other filings submitted by the applicant.

20 Similarly maintaining current awareness of the
21 current route mapping requires a similar process of
22 following multiple filings to the FERC docket. An analysis
23 of proposed location data requires an arduous task of
24 comparing print formatted maps that are not convertible to
25 digital shape file formats that would enable comparison to

1 the digital databases describing environmental resources
2 that are common today and that are used by project
3 developers.

4 The OPP should either itself or work with other
5 FERC offices to ensure that affected parties have access to
6 updated current geo reference and accessible version of the
7 project proposal they are expected to comment on. Thank
8 you.

9 MS. ENGLE: Arianne Elinich, your line is now
10 open.

11 Ariana, can you check your mute button? Your
12 line is open.

13 ARIANNE ELINICH: Good afternoon, can you hear
14 me?

15 MS. ENGLE: Yes, ma'am.

16 ARIANNE ELINICH: My name is Arianne Elinich, a
17 resident of Bucks County, Pennsylvania. I've heard from a
18 number of folks who find the timing of this meeting in the
19 middle of the work day extremely disenfranchising. As a
20 result, there are individuals who are unable to participate
21 today due to the timing of these sessions, and I would ask
22 that the FERC consider holding future sessions during
23 evening hours as well, additional listening sessions to
24 allow those who work during the day the opportunity to
25 participate.

1 Also with regard to accessibility, since this
2 session is audio only, clearly individuals who are hearing
3 impaired are unable to participate; and as someone who is
4 partially deaf, I will say that I often rely on lip reading
5 during meetings. I would encourage the FERC to make
6 accommodations for those who might be hearing impaired so
7 that they can participate as well.

8 On another note and most important to me is the
9 issue of the FERC's conditional certificate for the Adelphia
10 Gateway Pipeline Project. The Adelphia Gateway Pipeline,
11 built in the 1970s to transport crude oil under the
12 jurisdiction of the Pennsylvania Department of Environmental
13 Resources at the state level at that time is now proposed to
14 transmit natural gas beyond state lines, under the FERC's
15 authority.

16 Population density has grown significantly in the
17 areas through which this pipeline runs, and the
18 infrastructure that was constructed in the 1970s was not
19 designed to transmit natural gas under high pressure.
20 Additionally, an EIS was never done to evaluate the
21 environmental impacts of the Adelphia Gateway Pipeline
22 Project; however, the construction on the project is now
23 well under way.

24 As a result, I remain extremely concerned about
25 the integrity of this over-40 year old pipeline, and I am

1 asking for the FERC to do its due diligence in order to
2 assure the community members who reside within the impact
3 zone of this pipeline that the Adelpia Gateway Pipeline is
4 safe and able to carry natural gas under high pressure
5 without incident.

6 The original certificate for the project was
7 conditional, it's my feeling that the FERC should order a
8 cessation of any further work on this project until further
9 review can be done by the FERC to establish that this
10 project can proceed in a responsible and transparent manner
11 that does not conflict with the public good.

12 Thank you so very much for the opportunity to
13 share my concerns today.

14 MS. ENGLE: Katherine Kate Hudson, your line is
15 open.

16 KATHERINE HUDSON: Thank you. My name is
17 Katherine Hudson, K-a-t-h-e-r-i-n-e H-u-d-s-o-n. And I
18 work for Water Keeper Alliance, which is a coalition of 148
19 local water keeper groups across the United States, a number
20 of whom have been directly involved with fights against
21 proposed pipelines, to protect their local waterways;
22 including Constitution Pipeline in New York and Jordan Cove
23 Pacific Connector Pipeline in Oregon.

24 Better access to a broken process will not solve
25 the fundamental problem we have here. A government agency

1 that is organized and structured to facilitate private,
2 for-profit companies to profit over and at the expense of
3 the public, to different landowners in environmental justice
4 communities and tribal nations.

5 Until the agency itself is fundamentally
6 reformed, the best that the Office of Public Participation
7 can do to band-aid this ongoing government attack on its own
8 citizens and abuse of their rights and property is to be
9 tasked and staffed to not just be a resource, but also be an
10 advocate for the public. Not only giving the public
11 resources that include funding, access to legal and expert
12 advice and all of the other excellent specific
13 recommendations that have been made by other speakers, which
14 we wholeheartedly support.

15 But more importantly, beyond providing direct
16 public assistance, we also strongly recommend that the OPP
17 should be structured to be an advocate for the impacted
18 public within FERC itself, at the table, representing the
19 public's interest in all of FERC's deliberations; not just
20 those related to the permitting of infrastructure projects.

21 Government agencies are ultimately the people's
22 agencies. FERC has not been operating in a way that honors
23 that basic principle. Hopefully the formation of an Office
24 of Public Participation will be a first small step that
25 signals a commitment by FERC to undertake a much more

1 fundamental reshaping of the agency so that its purpose and
2 goals and actions respect and protect the public's interest,
3 not repeatedly ignore abuse and destroy the public's
4 interest as so many of this -- on this call have so
5 painfully and powerfully described today.

6 Thank you for the opportunity to comment. We all
7 hope that this will be the beginning and not the end of
8 FERC's listening and efforts to represent the public.
9 Thank you.

10 MS. ENGLE: As a reminder, if you would like to
11 make a comment, press *1, you must un-mute and record your
12 name. Your name is required to comment today.

13 And next up we have Sally Jane Gellert. Your line
14 is now open.

15 SALLY GELLERT: Hi, thank you very much. I'm glad
16 to see this hearing -- Sally Jane Gellert from Bergen
17 County, New Jersey. That's G-e-l-l-e-r-t.

18 I am glad to see this hearing and the opening of
19 the Office of Public Participation, which is long overdue.
20 We need the new OPP to inform the public, to be a liaison to
21 affected communities, to complete FOIA requests on time, and
22 to support resident's interest, not energy industry economic
23 interest. We must provide information to FERC, but to make
24 better decisions it should be led by individuals without
25 ties to the energy industry. In fact industry has enough of

1 a voice at FERC, it has no place in this office, which must
2 be the equivalent of an ombudsman or a public advocate's
3 office. It must provide local individuals with access to
4 information about proposed projects in accessible formats
5 and languages in which they are fluent, and access to
6 regulators at all levels of government, including the
7 ability to speak at all meetings and access to support for
8 their attempts to protect their interests.

9 The companies that propose these projects have
10 vastly more resources than most landowners and neighbors.
11 We need the federal government to level the playing field to
12 the greatest degree possible.

13 Probably every large project should have
14 community benefits agreements with those municipalities it
15 directly affects. The Office of Public Participation could
16 be instrumental in negotiating these, but not if it is
17 merely a P.R. effort to keep a public outraged by the
18 current egregious actions of industry uncontrolled by FERC
19 to date. Costs of intervening must be considered as is the
20 terrible process of tolling.

21 We need FERC to do complete, unbiased
22 investigations, science-based without accepting self-
23 interested data or contracts between sibling subsidiaries as
24 evidence of need, when it is really evidence of corrupt
25 complicity or an attempt to hide the reality of overbuilding

1 and overproduction.

2 Land agents should probably be prohibited from
3 contacting landowners before they hear from the OPP. And
4 they must not be allowed to lie to landowners. The threat
5 of eminent domain must not be introduced until after good
6 faith negotiation. They must be required to give
7 information on accessing the OPP along with their first
8 contact and not just in footnotes and fine print.

9 NEPA must be retained intact and FERC must enable
10 residents to participate in a simple process. Every
11 affected landowner must be automatically considered
12 intervenors by right and the OPP must assist individual
13 resident owners with the distribution of their comments of
14 other intervenors. Intervening corporations have the
15 resources to do that; the average landowner does not.

16 I support the idea mentioned earlier, escrow
17 accounts created by the developer for legal fees of
18 residents. I want to amplify so many comments I have heard
19 today, which reflect what I've heard time and time again as
20 a member of the Voices Coalition.

21 I suggest you check out the peoples' hearing that
22 Voices held some months ago; I'll include a link in my
23 written comments. Public testimony by landowners and
24 members of affected communities is the sort of testimony
25 that you should be allowing at all your meetings, rather

1 than dragging people out like criminals into -- dragging out
2 like criminals, individuals who make the effort to speak to
3 you about their very serious concerns. Thank you.

4 MS. ENGLE: Maury Johnson, your line is now open.

5 MAURY JOHNSON: Hello, my name is Maury Johnson,
6 I live in southern West Virginia; I live along the route of
7 the Mountain Valley Pipeline. I'm here today representing a
8 number of groups, Preserving -- Saving our Watershed, and
9 groups from across the State of West Virginia and into
10 Virginia.

11 We've been dealing with the Mountain Valley
12 Pipeline for about six years. At every turn, FERC ignored
13 the citizens; they didn't respond. I have interacted with
14 the landowner attorney office, and they themselves told me
15 they had very little power.

16 This Office of Public Participation I hope is
17 actually an office that gives landowners some power in these
18 decisions. Many people I've heard today are members of,
19 people that I know, like many other people that say we need
20 to have some of these listening sessions at night for the
21 people that can't attend during the daytime.

22 I'll have a lot to say in written comments. I
23 just know that FERC has been very unresponsive to the
24 citizens across West Virginia, VA and elsewhere. I know
25 that they sometimes advocate or seem to advocate for the

1 pipeline and push through; our particular project manager
2 really needs to be relieved of his duties because it's very
3 obvious that he is all for the pipeline and all against the
4 landowners. And there's many incidents where that has
5 occurred.

6 If you'll look at the Summersville scoping
7 meeting that was held in 2016, there's -- I had to admonish
8 him for some things he said about a previous scoping meeting
9 that was held in Elliston, Virginia just a few days before.

10 I appreciate the opportunity to speak. As I
11 said, I'll put in lots of written comments and I was
12 attending the listening and speaking, because I will
13 represent some environmental justice folks in this area.

14 I appreciate it, and thank you.

15 MS. ENGLE: Thelma Dievers, your line is open.

16 THELMA DIEVERS: Can you hear me?

17 MS. ENGLE: Yes, I can hear you.

18 THELMA DIEVERS: Okay. My name is Thelma Dievers
19 (ph). I'm a volunteer with Oregon Water Protectors. I am of
20 Cherokee and European descent.

21 I have read the way that FERC operates during my
22 time reading the EIS, SEIS for the Jordan Cove Pacific
23 Connector Pipeline and was shocked by the anti-science and
24 incomplete FEIS. What we need is more independent,
25 grassroots citizens with a history of organizing and

1 volunteer work with no conflicts of interest to be on the
2 advisory board of the OPP to ensure that FERC moves forward
3 in a transparent democratic way.

4 Grants must be provided for these people, not
5 corporate NGOs. NGOs in Oregon who worked on Jordan Cove
6 are all a part of [] Gas, that is funded by the 11th hour
7 project. This is Eric Schmidt's philanthropy, former CEO of
8 Google, who is currently chairman of Innovation Technologies
9 for AI cloud computing for the Pentagon. This presents a
10 serious conflict of interest as well as serious suspicions
11 and lack of trust about the process. I and others will
12 never work with any of these NGOs again; they are not
13 grassroots nor independent, and frankly very suspicious.

14 I feel like I was seriously underserved by these
15 NGOs on my work opposing Jordan Cove. There was even a
16 smear campaign directed at me for asking questions about the
17 corporate funding of these so-called NGOs.

18 Number one, allow an independent grassroots
19 indigenous coalition to be on the board of the Office of
20 Public Participation; compensate them for their time and
21 expenses.

22 Number two, compensate with payment any Native
23 American First Peoples for their participation in public
24 comment, Zoom meetings, compensate for all expenses
25 including Internet, computers, devices, assistance, training

1 and travel needed to accommodate this.

2 Number three, intervenors. Broaden the
3 qualifications to be an intervenor. Everyone is affected by
4 these projects, not just landowners. Hire independent
5 grassroots people who are connected to the communities to do
6 community outreach, education, and create more involvement
7 with FERC. Give high school and college students credits
8 for participation as well as compensation for their time for
9 reading and commenting on the EIS, FEIS.

10 Simplify everything at FERC for communities by
11 eliminating huge carbon-emitting projects. We must bring
12 down emissions quickly in order to prevent climate change-
13 induced catastrophes. In Oregon last summer we had an
14 historic wildfire season. I'm a home owner in Milwaukee and
15 was in an Evacuation Order Level 2 for two days. This is
16 not a new normal that I will accept. You have our state
17 engulfed in flames with 11 Oregonians who died in the fires
18 is not acceptable.

19 Please do everything you can to drastically
20 reduce emissions at FERC. We've had enough fires out here
21 on the West Coast. Enough is enough. Please hear our
22 calls. We have enough wildfires; please bring down
23 emissions.

24 Everything at FERC must be calibrated to protect
25 citizens from predicted mega storms and mega fires that are

1 created by global warming, and only getting much worse with
2 time. Human rights must be the cornerstone of FERC
3 decisions, not corporate interests.

4 Cancel permanently the Dakota Access Pipeline,
5 the Keystone XL Pipeline and Enbridge Line 3. Stop
6 permitting pipelines that cross indigenous lands.

7 I am happy to hear that Richard Glick was elected
8 as chairman, and I am looking forward to having a more
9 accountable, accessible Commission that reflects the
10 democracy this nation is supposed to stand for.

11 More independent grassroots review from citizens
12 is needed for the EIS and FEIS, and funding should be
13 provided for this. And please do everything you can at
14 FERC to bring those emissions down. This will simplify your
15 work, it will simplify our work, and it will keep the planet
16 from exploding into a ball of flames. Because I don't know
17 if any of you have --

18 MS. ENGLE: Ma'am, you have 30 seconds.

19 THELMA DIEVERS: I don't know if any of you out
20 there on the East Coast have experienced your state being
21 surrounded in fires, with no extra help on the way because
22 our resources were entirely tapped out. That is fear, okay?
23 And we need to be prepared a lot better for the next fire
24 season, and you guys need to drastically limit the projects
25 you see by canceling and removing all projects that have far

1 too many emissions, that will create more mega fires for us
2 out here on the West Coast.

3 Please do all you can do limit and regulate
4 emissions. Thank you very much.

5 MS. ENGLE: As a reminder, please press *1 on
6 your phone if you wish to comment, un-mute, and record your
7 name clearly. Thank you.

8 John Quarterman, your line is open.

9 JOHN QUARTERMAN: Hi there, can you hear me?

10 MS. ENGLE: Yes, sir.

11 JOHN QUARTERMAN: I'm John S. Quarterman.
12 That's like quarter back, quarterman. I'm the Suwanee River
13 Keeper. That's a staff position and the project was Walls
14 Watershed Coalition, Inc. You have us in many comments in
15 many dockets.

16 I have several questions. Why should we believe
17 FERC is actually listening to these sessions any more than
18 it did to the interminable scoping meetings for the Sable
19 Trail Pipeline, which FERC proceeded to record as check
20 boxes and then rammed through that pipeline under our
21 Withlacoochee River in Georgia, our Suwannee and Santa Fe
22 River in Florida, and the Withlacoochee River South in
23 Florida.

24 Number two, will FERC, in permitting pipelines to
25 make only one payment to landowners for easements in

1 perpetuity while the pipeline company profits as long as it
2 is in business?

3 Number three. Apparently FERC has finally ended
4 its illegal practice of flling orders after a court told it
5 it had to. Okay, that's one good move.

6 Number four, will FERC order compensation to
7 landowners victimized by previous tolling orders?

8 Number five, how will FERC make pipeline
9 companies remediate the wastelands they have created?

10 Number six, what will FERC do about the shell
11 companies with no assets it has permitted for pipelines when
12 they go out of business and leave local governments holding
13 the bag?

14 Number seven, will FERC revoke its 2015 decision
15 in which it abdicated responsibility for inland liquefied
16 natural gas facilities?

17 Number eight, will FERC accept responsibility for
18 the New Fortress Miami LNG facility which FERC has admitted
19 in response to numerous FOIA requests from us that it never
20 permitted nor even had communications with New Fortress
21 Energy about that Miami plant.

22 Number nine, will FERC accept responsibilities
23 for the Strom, Inc. Crystal River, Florida LNG facility that
24 did have a FERC docket, but FERC rejected Strom's request
25 for clarification because Strom didn't want to pay as much

1 as FERC wanted, so explicitly FERC never said whether it had
2 oversight or not.

3 Will FERC set a precedent tomorrow in its
4 Commission meeting where it has on its agenda a certificate
5 for the New Fortress Energy Puerto Rico LNG facility. Will
6 it set a precedent by rejecting that certificate?

7 Number eleven, why is there no listening session
8 about LNG?

9 Number twelve, how not will --

10 MS. ENGLE: You have 30 seconds.

11 JOHN QUARTERMAN: Yes, and I'll get there if
12 you'll let me. How will FERC accelerate the transition from
13 fossil fuels to renewable; sun, wind and storage power with
14 the smart grid, and by what date will FERC make that
15 transition 100 percent complete?

16 And finally, number thirteen. When will FERC
17 acknowledge the ethical conflict of funding itself 100
18 percent from fees and charges on the same industries it
19 regulates; and when will FERC end that practice? Thank you.

20 MS. ENGLE: Eve M. your line is now open.

21 EVE M: Good afternoon. This is Eve M.
22 I'm an advocacy coordinator with the Clean Air Council,
23 which is a nonprofit environmental organization in
24 Philadelphia, Pennsylvania. We are a member organization
25 representing about 30,000 residents in Pennsylvania and the

1 Delaware River Watershed.

2 Thank you to the Commissioners for hosting the
3 listening session today, and thank you especially to all of
4 the speakers for sharing their heartfelt experiences and
5 thoughtful remarks and recommendations for improvement.

6 Landowners and communities have been negatively
7 impacted, both by FERC-approved infrastructure as well as by
8 FERC's public participation process. FERC's public
9 participation process for affected landowners and community
10 members is broken. The current process is lopsided towards
11 an industry that has endless resources to navigate highly
12 technical documents and procedures while the public does not
13 have these resources.

14 FERC's permitting process includes documents of a
15 highly technical nature; there are complex rules and
16 regulations; and just generally inaccessible to the public.
17 Members of the general public are often disenfranchised from
18 the process unless they have significant time and resources
19 and the technical understanding for expert support.

20 Many members of the public are not even aware of
21 FERC's existence or role, let alone how they, the impacted
22 landowners or community members can intervene, make their
23 concerns heard, or receive support. The task of notifying
24 landowners relaying highly technical information in plain
25 language, providing clear explanation about the occasions

1 and deadlines and opportunities for participation often
2 falls upon nonprofit organizations such as Clean Air Council
3 and others.

4 But even with our expensive outreach and advocacy
5 efforts, many landowners, residents and particularly in
6 marginalized communities continue to be disenfranchised by
7 the process. This is particularly true in communities
8 already impacted by environmental injustice.

9 An Office of Public Participation should make
10 interacting with FERC much easier. FERC should consider
11 implementing the following: One, provide clear and
12 frequent communication to the public around opportunities to
13 participate in the approval process for proposed projects
14 including mailings, e-mails, newspaper advertisements,
15 social media platforms, every effort made possible to reach
16 impacted residents.

17 Two, provide support for the public including
18 technical assistance and plain language explanation about
19 locations and draft approval.

20 Three, FERC should create an enhanced public
21 participation process for environmental justice communities,
22 including additional public informational sessions,
23 meetings and hearings.

24 Four, the process by which the public can
25 participate should be clear and easily accessible. Even the

1 directions around participation in this listening session
2 were confusing for some members of the public.

3 Five, in addition --

4 MS. ENGLE: You have 30 seconds.

5 EVE M: FERC scoping hearings that often occur
6 before applications are officially filed have frustrated the
7 public for years. FERC should ensure that it has
8 appropriate staff at these meetings that can adequately
9 answer the public's questions. When these meetings occur in
10 person, FERC should allow the public to ask questions and
11 make statements in a public way; not just privately one-on-
12 one, so that all participants can hear.

13 FERC must ensure the applicants have submitted
14 all necessary documents for approval before the public
15 comments. FERC should also allow members of the public to
16 hear each other.

17 FERC's OPP needs to establish a process to
18 compensate intervenors who represent the public interest in
19 Public Utility Commission proceedings.

20 The Office of Public Participation should
21 consider feedback from the public --

22 MS. ENGLE: Eve, your time is up.

23 EVE N: And make recommendations to the
24 Commissioners when procedures that aren't adequately
25 supporting public participation are identified.

1 Thank you for your consideration of these
2 comments.

3 MS. ENGLE: Ray Kimball, your line is open.

4 RAY KIMBLE: Can you hear me?

5 MS. ENGLE: Yes, sir, we can hear you fine. Thank
6 you.

7 RAY KIMBLE: My name is Ray Kimble, I'm an
8 affected landowner due to drilling and fracking. And
9 numerous pipelines run through our county, along with the
10 Tennessee pipeline, which has been pretty much over-ran by
11 what they're pushing into it with fracked gas.

12 I'm at the other end of the pipeline. This is
13 where all the drilling has happened, and this is where it
14 comes from. And we are the affected people here. I
15 haven't had water in my house for ten years because of the
16 fracking and drilling operations. They frack, they pollute
17 our water. pollute the air, the compressor station,
18 everything you can think of. This industry right now has
19 nine felony charges filed against them by the AG's office.
20 And still are operating with no regards to the public people
21 or anybody within the Commonwealth of Pennsylvania or
22 anywhere else.

23 FERC needs to turn around and put a stand and
24 stop letting this industry overrun our country and us. We
25 are the people, this is for us. Clean air, clean water are

1 for the people, and that is what needs to be happening. And
2 I am tired of this government allowing a corporate entity to
3 turn around and dictate what we can do with our properties,
4 our lives. I own this property, not them. And I will fight
5 to defend my property to the fullest extent of the law.

6 Thank you.

7 MS. ENGLE: Peter Barry, your line is now open.

8 Thank you.

9 PETER BARRY: Hello, it's Peter Barry in Oregon.
10 I appreciate your allowance of three minutes; this is like
11 our reality. If you can multiply all these people that are
12 calling in by tens of thousands of people and then tens of
13 thousands of hours of people trying to divine the most
14 convoluted, complex and biased system which was invented;
15 laws written, rules written, process written by industry for
16 the industry, by the industry for profit for the industry
17 and their shareholders, that's what we're up against.

18 It's simple and clear; we're naive to think of
19 anything different. We've experienced an endless array of
20 regulatory capture where we get our three minutes; we send
21 in thousands and thousands of pages of comments, well-
22 researched, and they're denied at every quarter, and
23 everything is approved, as you've heard.

24 Are all these pipelines, are all these transition
25 lines the best possible idea, the best possible location,

1 executed properly? Of course not. This is a convolution of
2 the democratic process, and you can't fix all that, but what
3 you can do is lobby for money from the Department of Energy
4 that every applicant has to pay a huge fee, at least a
5 percentage, something that will hire attorneys and
6 specialists for us to fight these people. We don't want to
7 fight them; we have lives, we have things we want to do. We
8 want to build shelters for homeless people, we want to
9 educate children, we anterior to help the handicapped.

10 But nope, we're fighting stupid for-profit
11 inventions to make someone rich. That's what we we're
12 doing. We spend our lives. It's scary, it's maddening, and
13 so if you could help us, we need specialists, we need
14 attorneys and specialists in your office that we can use to
15 get -- imagine someone who is a specialist in electricity
16 transmission or oil pipelines, would they ever work for us?
17 No, they work for the industry, because that's where they
18 make their money.

19 We're up against it, it's a David and Goliath
20 story, and Goliath is chomping us at every turn; we never
21 win. We never win.

22 And so I hope you work at the Department of
23 Energy and you'll make laws that help the people and make
24 this a true democracy, not just a for-profit juggernaut.
25 Thank you.

1 MS. ENGLE: We have reached the end of our queue
2 for speakers wishing to comment.

3 OPERATOR: Thank you all for your participation
4 today. We will post an audio recording of today's session
5 as well as a transcript on our website.

6 The next listening session will take place on
7 Monday, March 22nd, at 1 p.m. Eastern for environmental
8 justice communities and tribal interests.

9 The record is now close.

10 [Whereupon, at approximately 3:30 p.m., the
11 listening session concluded.]

12 MS. ENGLE: That concludes today's conference.
13 All participants may disconnect at this time; speakers
14 please stand by. Thank you for joining.

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the
5 Matter of:

6 Name of Proceeding:

7 OPP Listening Session

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16 Docket No.: AD21-9-000

17 Place:

18 Date: Wednesday, March 17, 2021

19 were held as herein appears, and that this is the original
20 transcript thereof for the file of the Federal Energy
21 Regulatory Commission, and is a full correct transcription
22 of the proceedings.

23

24 Dan Hawkins

25 Official Reporter

1 UNITED STATES OF AMERICA
2 FEDERAL ENERGY REGULATORY COMMISSION
3 Proposed: Office of Public Participation (OPP)
4 OPP Listening Session

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6 - - - - - x
7 Landowners and Communities Affected
8 by Infrastructure Development Docket No. AD21-9-000
9 - - - - - -x

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TELECONFERENCE

Wednesday, March 17, 2021

 The public comment meeting, pursuant to notice, convened
at 1:00 p.m.

1 P R O C E E D I N G S

2 OPERATOR: Welcome, and thank you for standing
3 by. All participants are in a listen-only mode until we
4 open up public comment, where you can give your comment. If
5 you'd like to do so, that is *1 on your phone to give a
6 comment; Again, that is *1, un-mute, and clearly record
7 your name. Your name is required for you to give your
8 comment. I'd like to let everyone know that today's
9 conference is being recorded. If you have any objections,
10 you may disconnect at that time.

11 It's my pleasure to turn the call over to
12 Caroline Engle.

13 You may now begin, ma'am.

14 MS. ENGLE: I am opening the record for Docket
15 AD21-9-999. For the record, my name is Caroline Engle, C-a-
16 r-o-l-i-n-e E-n-g-l-e.

17 Good afternoon. Welcome to the Federal Energy
18 Regulatory Commission Landowners and Communities Affected by
19 Infrastructure Development listening session on the creation
20 of the Office of Public Participation.

21 Section 319 of the Federal Power Act directs the
22 Commission to establish this office to coordinate assistance
23 to the public with respect to authorities exercised by the
24 Commission.

25 In December 2020, Congress directed the

1 Commission to report by June 25, 2021 on its progress
2 towards establishing the Office of Public Participation.
3 Today we are seeking your input on how the Commission should
4 design and operate the Office of Public Participation to
5 strengthen and facilitate public participation.

6 I would like to give directions for providing
7 input today. To identify yourself as a speaker, you must
8 press 'star one' and record your name. You may do that at
9 any time during the call. if you plan to listen in only,
10 you do not need to take this step. Once you have recorded
11 your name you will be put into a speaker queue.

12 Again, if you would like to speak today during
13 the session, please press *1 and identify yourself to be
14 added to the queue at that time. The operator will call on
15 preregistered speakers first before moving to speakers who
16 have not preregistered. Given the number of preregistered
17 speakers, we ask speakers to keep their comments to three
18 minutes. The operator will notify you when your time is up.

19 When you begin your comments, please clearly
20 state and spell your name and provide your organizational
21 affiliation, if any, for the record.

22 Given the interest in this session, we will keep
23 the session open until 5 o'clock p.m. Eastern if there are
24 still participants who want to speak. Preregistered
25 speakers will have a chance to speak first; and time

1 permitting, unregistered participants will then have an
2 opportunity to speak. Please note that due to the large
3 number of speakers, we are unable to answer questions during
4 today's session.

5 Please direct questions to our e-mail at
6 OPPWorkshop@ferc.gov. Again, that's OPPWorkshop@ferc.gov.

7 If you have additional comments or if you are
8 unable to speak today, you may provide comments in written
9 form until April 23rd, following the directions on the
10 Office of Public Participation page of the Commission's
11 website.

12 All comments should reference Docket AD21-9-000.
13 Please visit the Office of Public Participation page for
14 additional information regarding the timeline for the
15 Commission to respond to Congress and how you can get
16 involved.

17 Please note that the Commission's ex parte rule
18 prohibits off the record communications in contested
19 Commission proceedings. The purpose of this conversation
20 is to hear directly from the public on the creation of the
21 Office of Public Participation. In other words, if your
22 comments pertain specifically to a dispute in an ongoing
23 case before the Commission such as a proceeding concerning a
24 potential certificate allowing construction to proceed on a
25 particular pipeline, we must interrupt you and we may not be

1 permitted to listen to your thoughts and comments on the
2 Office of Public Participation.

3 Accordingly, we request that you speak only to
4 the topics addressed in today's meeting. The listening
5 session will not have simultaneous language translation.
6 We were unable to secure translation services on the quick
7 timeline required to set up these sessions. We recognize
8 the importance of translation services and moving forward
9 will consider linguistic accessibility to accommodate
10 various communities.

11 This listening session is being transcribed by a
12 court reporter and will be placed into the record one week
13 from today. A recording of this listening session will
14 also be made available on our website. We understand the
15 importance of a thorough process for public input and
16 engagement, but we also note the urgency to create the
17 office as required by Congress, with our final report being
18 due on June 25th, 2021.

19 We understand that we are under an aggressive
20 schedule and appreciate the time that you have taken to join
21 us today. We look forward to hearing your input, which will
22 guide us in our development of the Office of Public
23 Participation. We will endeavor to provide further
24 opportunities for input as the office is established and
25 begins work on its important mission.

1 Before we begin, Chairman Glick, Commissioner
2 Chatterjee, and Commissioner Clements will provide opening
3 remarks.

4 CHAIRMAN GLICK: This is Chairman Glick. Good
5 afternoon and welcome. Since this is a listening session,
6 I'm going to do more listening and less talking, but I do
7 want to make a brief statement here, if I can.

8 I just want to say that these listening sessions
9 are very important to the success of the Office of Public
10 Participation and how it's established. And today's topic
11 is a good way to start.

12 When the Commission approves an infrastructure
13 project it can have a substantial impact on landowners and
14 others in the communities where these projects will be
15 located. One of the key functions of the Office of Public
16 Participation should be to ensure that parties affected by
17 these decisions are able to understand their rights, and are
18 sufficiently able to participate in the siting proceedings.

19 Finally, I want to commend Commissioner Clements
20 for taking the initiative to organize these listening
21 sessions and for her leadership on the Office of Public
22 Participation. And I want to also thank the staff for
23 spending a lot of time putting this altogether; but even
24 moreso for working with all of us to ensure that the Office
25 of Public Participation formation will be a success.

1 After we hear from Commissioner Chatterjee this
2 afternoon, Commissioner Clements will lead the rest of the
3 session, but I will be listening and I'm sure the rest of my
4 colleagues will be as well. Thanks to everyone for
5 participating today.

6 Commissioner Chatterjee.

7 COMMISSIONER CHATTERJEE: Thank you, Mr.
8 Chairman. I want to begin by thanking you, Mr. Chairman,
9 for holding these sessions, and as well give a great thanks
10 to the staff. I know how much work goes into preparing and
11 executing, and thankful for your'all's efforts. And I
12 really want to thank my new colleague, Commissioner Clements
13 for organizing this and for your leadership. I've already
14 been impressed with your dedication and focus addressing
15 these challenging issues; and I look forward to the session
16 today and your continued leadership in this area.

17 I'm glad to be able to hear today from landowners
18 and communities affected by infrastructure development as
19 the Commission works on putting together a plan for the
20 Office of Public Participation.

21 Look, I've spoken frequently over the past few
22 years about the importance of landowners receiving fair and
23 respectful treatment in the Commission's certificate
24 proceedings. And it really wasn't just words and sentiment;
25 I genuinely, genuinely tried to put initiatives into place

1 to back up that commitment.

2 For instance, issuing a rule prohibiting
3 companies from beginning construction until orders on
4 rehearing are completed. Redesigning our website to give
5 landowners easy access to the information they need to stay
6 informed about FERC proceedings.

7 And alongside Chairman Glick, on a bipartisan
8 basis, I issued a call to Congress to prohibit the exercise
9 of eminent domain while a rehearing is pending. I'm proud
10 of the effort that we made; however, I know, I fully
11 understand that there is still much work to be done. We
12 must always be listening and always improving.

13 I'm truly looking forward to hearing your ideas
14 about how the Office of Public Participation can help
15 landowners. This session, like the upcoming sessions,
16 devoted to environmental justice communities and tribal
17 interests, tribal governments and energy consumers and
18 consumer advocates really shape our actions.

19 But most importantly, I want to close with
20 expressing my deep thanks to the participants for being here
21 and for lending your time and insights. And with that, I
22 will turn it over to my colleague, Commissioner Clements --
23 again, with great thanks and appreciation for your
24 leadership in this area. Thank you.

25 COMMISSIONER CLEMENTS: Thank you, Commissioner

1 Chatterjee; and both you and Chairman Glick have been
2 concerned specifically about these issues; and so it is
3 great to have you here.

4 Before I make very brief comments, individually
5 each of Commissioner Danly and Commissioner Christie asked
6 me if I could send along their regrets for not being here to
7 make comments. Because this is on the record, they are both
8 going to take advantage of the opportunity to read through
9 the comments provided today and look forward to doing that -
10 - we've got a lot, especially this week, and so they're not
11 going to be joining us today.

12 These listening sessions are a new tool for the
13 Commission. They are something that EPA, Department of
14 Transportation and Department of Labor have used in the
15 past, and our staff was able to consult with the staff at
16 those agencies to get input on how we will run these
17 listening sessions. Please be patient with us today as this
18 is our first one. Staff has worked very hard in a very
19 short period of time to provide these opportunities, and I'm
20 thankful to them for doing that.

21 Also note that we have an April 16th workshop
22 coming up, that will be available to listen in on, where we
23 will get into some of these issues, a broader set of issues
24 related to the Office of Public Participation.

25 Please understand that our June 25th deadline is

1 the end -- is the beginning, not the end of the opportunity
2 for input about the Office of Public Participation.

3 And with that, thank you; and back to Caroline.

4 MS. ENGLE: Operator, we are ready to begin with
5 participant comments.

6 COMMISSIONER CLEMENTS: I'm sorry, Caroline. I
7 had two more points. This is Commissioner Clements.

8 I think it's really important to note that we
9 would not be able to be here today if Chairman Glick did not
10 prioritize this issue of the Office of Public Participation
11 and put it at the top of an agenda of very important issues
12 that he is trying to take action on and set in motion at the
13 Commission; and so for that, thank you, Mr. Chairman, we're
14 really appreciative.

15 And finally, remember that you will have more
16 opportunities going forward to provide input into this
17 process. Thank you.

18 MS. ENGLE: All right. Operator, now we are
19 ready to begin with participant comments.

20 OPERATOR: Thank you. If you'd like to give a
21 comment, please press star-one, un-mute and record your
22 name. Our first comment today comes from Barron Shaw.
23 Your line is open.

24 BARRON SHAW: My name is Barron Shaw, and I live
25 on an orchard that straddles Pennsylvania and Maryland.

1 Over the last five years, I've learned a lot about the
2 business of electricity transmission as my neighbors and I
3 have had to contend with the proposed transmission lines to
4 take power from Pennsylvania and send it to the D.C. Metro
5 area in order to decrease their prices.

6 It was PJM's first market efficiency project and
7 the first to go through the state commission. One of the
8 things I learned is that it's so important to have PJM be
9 regulated. FERC is the only entity that can regulate PJM,
10 and I have to admit there have been several times when I've
11 asked myself, "What was FERC thinking?" And "Does FERC
12 really want it to work this way?"

13 I'll provide a quick example and then provide my
14 suggestion of how OPP could help facilitate a remedy. So
15 the PJM provides two different scoring mechanisms for market
16 efficiency projects. One scoring mechanism is for voltages
17 at 230 kilovolt and below; the others for 345 and higher.
18 When a significant amount of power is moved from one place
19 to another, it raises the price of the power at the source
20 and lowers it in the destination.

21 The PJM higher voltage metric allows the
22 inclusion of these higher prices in scoring, but the lower
23 voltage metric specifically excludes all expected price
24 increases and only focuses on the price decreases.

25 So in order to make this project clear, the

1 necessary benefit-cost ratio, the applicant cleverly used
2 two new 230 kV lines; both come with bundled, double
3 circuits with the highest possible capacity conductors. The
4 total conductor rating of all those lines would be 4,000
5 megavolt amps, which is far more than most 500 kilovolt
6 backbone circuits.

7 So in other words the rules prevented a new
8 superhighway but they allowed the construction of lots of
9 two lane roads to go to the same place.

10 The PJM market monitor agrees with my positions,
11 recommended that the entire process be rewritten; but the
12 market monitor doesn't have the power to change PJM; only
13 FERC can do that.

14 I would envision a process at FERC that would
15 allow concerns like this to become public; but even more, I
16 would hope that the OPP would become empowered to influence
17 rulemaking. This kind of representation does have precedent
18 in government; like when patients suffer unexpected
19 complications from medical appliances or pharmaceuticals,
20 FDA investigates and makes appropriate changes. When a
21 pesticide is implicated in any problems, EPA investigates
22 and makes changes. HUD provides help for housing
23 discrimination, and U.S.D.A. responds to food issues.

24 I would love to see OPP staff listen to public
25 concerns and then take those concerns to the rulemaking

1 process when appropriate, or perhaps even initiate rule
2 reviews. The bar is very high right now for private
3 citizens to represent our own interests and concerns at
4 FERC, and it would be helpful for OPP to serve as that
5 conduit, representation. It would do little good if OPP
6 were simply a referral service for expensive attorneys.

7 Instead, I'd love to see OPP make FERC a more
8 responsive regulator. And with that, I'll end my three
9 minutes. Thank you.

10 MS. ENGLE: Next up for comment is Sara Bohn.

11 Your line is open.

12 SARA BOHN: Hello, can you hear me?

13 MS. ENGLE: Yes, ma'am.

14 SARA BOHN: Hi, my name is Sara Bohn, S-a-r-a B-
15 as-in-boy- o-h, -n as in Nancy. And I am a resident of
16 Montgomery County, Virginia, and the County Supervisor for
17 one of the two districts in our county that the Mountain
18 Valley Pipeline runs through. I'm the Supervisor for
19 District A on the Montgomery County Board of Supervisors.

20 Yes, our land and communities have been
21 significantly and adversely affected by the Mountain Valley
22 Pipeline. Our beautiful countryside is scarred. Our water
23 sources have been significantly affected, and some have been
24 significantly contaminated. Most landowners did not want to
25 give up their land, no matter how much they may have been

1 compensated.

2 One, most landowners and community members don't
3 believe the benefits proposed by MVP will live to fruition.

4 Two, most if not 90 percent or more of the
5 natural gas will be shipped overseas and will not be used
6 domestically.

7 Three, the jobs that it has provided have been
8 primarily for those who do not reside in our county, let
9 alone our state.

10 Four, MVP has now taken at least twice if not
11 three times as long as they originally projected. The
12 pipeline is still not done, thank goodness.

13 Five, the pipeline has cost significantly more
14 than originally projected.

15 Six, the revenue suggested to be provided to
16 Montgomery County has not been realized.

17 Seven, and most importantly, (A) the construction
18 over our Karst terrain was not investigated properly, the
19 results have been catastrophic. (B) Our countryside and
20 property has been scarred for the benefit of foreign
21 countries. (C) Our residents and their water sources have
22 been significantly compromised. (D) Thousands of residents
23 are living within the blast zone. (E) Hundreds of
24 Montgomery County residents' land has been scarred and
25 nearby properties have been significantly negatively

1 affected, especially with erosion.

2 I ask FERC to focus on limiting and even never
3 approving pipelines including stopping MVP today.
4 Especially when customers are primarily overseas.

5 Thank you for your time.

6 MS. ENGLE: Ted Glick, your line is open.

7 TED GLICK: Yes, Hi. Ted Glick, T-e-d G-l-i-c-k
8 from Beyond Extreme Energy. I've been interacting with and
9 experiencing FERC for the last decade. As the gas industry
10 has expanded nationally, I've been involved with numerous
11 efforts to prevent the imposition of pipelines, compressor
12 stations, and export terminals.

13 I've done so in the county, Essex County, New
14 Jersey where I live; in other parts of New Jersey, in the
15 Maryland-D.C.-Virginia area when I was the national
16 campaign coordinator of the Chesapeake Climate Action
17 Network; and nationally through CKM and the organization,
18 Beyond Extreme Energy that I work with now.

19 A constant among all these experiences is that
20 FERC has operated as a willing partner with the gas and
21 pipeline industries making sure that in virtually every
22 single case they get their permits to expand their
23 operations. It doesn't matter if the number of comments
24 opposing a project is 99 to 1 opposed; they'll get their
25 permits, it's happened. That's why it is widely seen by

1 those who experience it as a "rubber stamp agency."

2 The main responsibility of a new Office of Public
3 Participation must be to end this rubber stamping process,
4 create a level playing field in which the opinions of local
5 landowners, communities and towns on proposed projects are
6 taken seriously. For this to happen, several things are
7 necessary.

8 First, an OPP must be adequately staffed, both
9 numerically and with people who have expertise and
10 experience in democratic community organizing and
11 governance.

12 Second, environmental justice concerns must be
13 central to its functioning. This means there must be people
14 of color and people from low income backgrounds part of the
15 staff, and these issues must be prioritized.

16 But most important, the OPP cannot be an
17 operation separated out from the rest of the way FERC
18 operates. The concept of public participation of genuine
19 community involvement of taking seriously the concerns of
20 local people affected by proposed projects and policies must
21 permeate all of FERC. This means that current FERC
22 leadership must take on the issue of fossil fuel industry
23 influence over and corruption of the way FERC operates. All
24 of the many ways that this happens, from the revolving door
25 between FERC employment and industry employment to the

1 hiring of contractors with deep industry ties, to hiring
2 industry-connected individuals to lead FERC departments --
3 all of these and more must be identified and changed.
4 FERC's culture must change from one of industry
5 participation and influence to one of genuine popular
6 participation and influence.

7 And if that can't happen, if it is just too
8 deeply rooted, FERC needs to be replaced with a new federal
9 energy regulatory agency that can do so. Thank you.

10 MS. ENGLE: Next up is Mary Mauch. Your line is
11 open.

12 MARY MAUCH: Hello. Can you hear me okay?

13 MS. ENGLE: Yes, ma'am.

14 MARY MAUCH: Thank you. This is Mary Mauch, Ms-
15 a-r-y M-a-u-c-h. I am the President of the Illinois
16 Landowners Alliance. Hello and thank you for this
17 opportunity to provide input, and especially to the
18 Commissioners for listening today; that means a lot.

19 I am the Founder and Director of Block Rickel, a
20 grassroots organization that started in Northern Illinois in
21 2012, and has since expanded across some seven states, and
22 into 12 or more sister organizations.

23 I'm the founder and president of the Illinois
24 Landowners Alliance, NFP, which also started in 2012 to hire
25 legal counsel to represent the interests of some 300

1 landowners at the Illinois Commerce Commission, culminating
2 in the 2017 precedence-setting win at the Illinois Supreme
3 Court, Illinois Landowners Alliance v the Illinois Commerce
4 Commission, Docket 131302.

5 The central problem was and still is the
6 overreach and abuse of eminent domain, and especially when
7 the alternatives such as energy conservation, locally-
8 generated clean energy aren't prioritized. Think of the
9 millions of unused acres of suburban and urban rooftops and
10 skyscraper windows that could provide much needed clean
11 energy.

12 The public, who needs to be assisted by this new
13 office, are the individuals and communities who do not
14 normally participate in proceedings but are suddenly thrust
15 into the arena when an entity's land agent comes knocking at
16 their door wielding the threat of eminent domain. The
17 public should be individuals, impacted landowners and
18 communities who may or may not oppose the financial and
19 political interests that align to force new infrastructure
20 on them.

21 This public will need assistance understanding
22 FERC processes, finding appropriate precedent to support
23 their positions, and finding and funding legal counsel and
24 experts.

25 Entities aligned with powerful utility interests

1 or special interests such as Big Wind should not receive
2 financial compensation for their participation. They do not
3 represent the public. Nor is the utilization of the
4 office's resources intended for grant-funded non
5 governmental agencies that already participate at the
6 Commission in order to shape policy to align with their
7 political and financial goals.

8 Section 319 seems to be designed to reward deep
9 pocketed participants who would and probably already are
10 participating. If there's nothing to develop the
11 envisioned equity that would allow independent individuals
12 to experience financial hardship to meaningfully
13 participate. It is too expensive and too unlikely that
14 individuals would or could risk large amounts of money on a
15 'maybe' reimbursement in a process new and foreign to them.

16 The Commission must guard against this office
17 becoming another political tool used to advance special
18 interests, or be used as a distraction or a facade intended
19 to marginalize public participation. The director and staff
20 of such an office must have a demonstrated track record of
21 directly working with consumers and citizens in a non-
22 biased, nonpolitical fashion, such as state consumer
23 advocates, and should not come from special interest
24 organizations or utilities.

25 We also highly recommend that the OPP be overseen

1 by an advisory board consisting of the same, to prevent the
2 inevitable regulatory capture that pervades federal
3 agencies; therefore excluding the meaningful process
4 participation from the individuals and communities most
5 negatively and impacted by infrastructure projects.

6 Thank you for unwilling.

7 MS. ENGLE: Next up we have Bob Danielson. Your
8 line is open.

9 BOB DANIELSON: Thank you very much. I am with
10 an organization called Soul of Wisconsin. We have been
11 representing energy spending priorities of Wisconsin
12 ratepayers and communities for 20 years. We thank you for
13 this opportunity and have fairly extensive recommendations
14 to make. I will quickly read through our introduction as
15 time permits.

16 With the formation of FERC and RTOs, and the
17 costly expansions of these utility-driven institutions over
18 the last 20 years, any new entity representing utility
19 customers and community interests is enthusiastically
20 welcomed. Many experts are in agreement that our long term
21 energy solutions will be distributed; that is, decreasingly
22 centralized. As currently empowered, our energy
23 institutions are not sufficiently motivated to efficiently
24 further that is an inevitable future.

25 We see the creation of the Office of Public

1 Participation as a highly practical way to create a foothold
2 for utility consumers on a national level. OPP funding,
3 including that for intervention, must be commensurate with
4 the scale of that constituency, all 200 million ratepayers
5 and thousands of communities. Please note that intervenors
6 must compete with the persuasions of billion dollar public
7 relations campaigns and vast expenditures mounted by utility
8 interests.

9 I'll be blunt: The competition that needs to be
10 regulated and protected today is not between the utility
11 interests, but between utility interests and utility
12 customers. Please keep in mind that it is these outspoken
13 utility customers who are actually representing our
14 communities, our lands and our local economies that we all
15 depend on for survival. The stakes in all utility cases are
16 extraordinarily high.

17 The 'public' in public participation is important
18 to emphasize. The OPP must focus its representation on
19 citizens, landowners, municipalities and ratepayers. OPP
20 should not fund hybrid organizations; that is,, any
21 organization that accepts any money from utility interests.

22 Regarding Question No. 1: The director must have
23 a distinguished record of serving ratepayers, including a
24 history of advocating for energy efficiency, load
25 management, distributed solar plus storage, and substations

1 supporting non-transmission alternatives.

2 I recommend three people heading three
3 departments all supporting public awareness and public
4 intervention. First, the department of end user and
5 community-based alternatives, with primary responsibility of
6 connecting potential intervenors with information and
7 experts familiar with viable alternatives and energy
8 planning.

9 Second, the department of end user and community
10 legal assistance. There is a new wrinkle here: If there is
11 a thorough public notification process, and regularly-
12 offered workshops, and staff available to answer ongoing
13 questions, the public intervenors of today and tomorrow will
14 be pro se; they will represent themselves and they will use
15 intervenor funding for expert witnesses to round out their
16 facts. A recent transmission case in Wisconsin had 45 pro
17 se intervenors, nine of whom were from municipalities.

18 The department of public outreach and opinion
19 would be the final department, and it would be headed by the
20 OPP director, with the responsibility of designing and
21 coordinating the early and thorough public notification
22 process. Informing people early and often of the
23 opportunity to intervene and get information is the key to
24 success.

25 Also --

1 MS. ENGLE: You have 30 more seconds.

2 BOB DANIELSON: Thank you. To capture wider
3 public interest, the department would conduct surveys,
4 solicit comments at large, and assess this input and file it
5 into the appropriate FERC proceeding.

6 Thank you very much.

7 MS. ENGLE: As a reminder, if you would like to
8 make a comment, please press *1 and mute, and record your
9 name clearly. And Tania Moro, your line is up, is open.

10 TANIA MORO: Greetings from Medford, Oregon.
11 Tania Moro, T-o-n-i-a M-o-r-o. And my comments are
12 informed by my six years involvement as a former board
13 member of Rogue Climate and a pro bono attorney representing
14 the interests of landowners and community members suffering
15 from the seemingly endless 15-year attempt to site the
16 Jordan Cove LNG terminal and Pacific Connector Pipeline in
17 Southern Oregon.

18 I and affected community member Jody McCaffery
19 and affected landowner Stacy McLaughlin have submitted
20 written comments, and I want to just highlight a couple of
21 points. While I appreciate that we have new leadership at
22 FERC and now a woke Congress, the politization and lack of
23 congressional oversight of this agency has created a reality
24 of complete mistrust and adversity that the OPP will not be
25 able to fix. And I appreciate Mr. Glick's comments to this

1 issue earlier.

2 FERC must do the hard work to revise the policy
3 statement, to make it abundantly clear, and for the agency
4 to completely assume responsibility for the constitutional
5 authorities it exercises. In my opinion that means
6 bifurcating the public economic need decision from the NEPA
7 process as a preliminary decision after a full-blown
8 evidentiary hearing with a right to discovery and cross-
9 examination of witnesses.

10 At that point, when that procedure is available
11 as it should be, the Office of Public Participation could be
12 tasked with managing the logistics of that proceeding. In
13 the meantime, the OPP's role should be to develop policies
14 to ensure full compliance with the written letter of the
15 public participation requirements of NEPA and DEQ guidance
16 on the equity goals of Executive Order 12998. And it should
17 also develop and administer a grant program to fund third
18 parties to assist the public in participating in these
19 proceedings. As FERC is a party opponent to most of the
20 public participating, this office may not provide the
21 assistance directly. Third party organizations, organizing
22 landowners like Bold Alliance and Rogue Climate should be
23 funded to do this necessary work. Thank you.

24 MS. ENGLE: Mark Jarrell, your line is open.

25 MARK JARRELL: Thank you. Mark Jarrell, M-a-r-k

1 J-a-r-r-e-l-l. I'm a landowner in Pence Springs, West
2 Virginia, and I have 3,020 feet of the Mountain Valley
3 Pipeline, nearly splitting my property in two.

4 Most of the other speakers have given some good
5 suggestions for the foundation of the OPP. I wasn't really
6 prepared to do that, but I did have a few brief comments.

7 We all know that since 1999, 475 new pipeline
8 projects were approved by FERC and only two were rejected.
9 We also know that FERC's approval is based on false or
10 exaggerated shipping agreements, while sort shrift is given
11 to property rights, landowner concerns or environmental
12 considerations. This must change, and that will require a
13 fundamental restructuring of FERC. Hopefully the OPP will
14 get that ball in motion.

15 So while it's commendable that you're creating
16 this Office of Public Participation, it's only a baby first
17 step until FERC is funded by an approved federal budget
18 rather than operating on the fees and fines it imposes on
19 the energy industries that it's supposed to regulate. FERC
20 can never be trusted to make decisions based on true public
21 necessity. FERC's history shows that the current system is
22 nothing more than a cozy and corrupt consortium with the
23 pipeline companies.

24 The past six years of my life have been a
25 nightmare, fighting to hold onto my hopes, dreams and

1 secretary for my property. And FERC, rather than the
2 Mountain Valley Pipeline, has been the villain by empowering
3 a private, for-profit corporation to take my property
4 against my will using a spurious definition of eminent
5 domain. And then once a certificate is granted, FERC shrugs
6 its shoulders and leaves landowners no protection or
7 recourse against the depredations of the pipeline
8 construction or restoration process. It's a very hopeless
9 feeling of despair and abandonment.

10 Over the past six years I've had exactly one
11 contact with FERC officials, despite numerous attempts.
12 Every affected landowner needs a contact name and number at
13 FERC to answer questions and act as an advocate when
14 necessary.

15 I have several other recommendations, but many
16 have been covered by the other speakers, so I yield the rest
17 of my time. Thank you.

18 MS. ENGLE: Pamela Ordway, your line is open.

19 PAMELA ORDWAY: Thank you. This is Pamela
20 Ordway, P-a-m-e-l-a Last name Ordway, O-r-d-w-a-y. And I'm
21 an impacted landowner with property along the route of the
22 recently permitted Pacific Connector Gas Pipeline.

23 Thank you for the opportunity to participate. As
24 a landowner engaged in the permitting process for three
25 different iterations of the same pipeline project for more

1 than a decade, I welcome the opportunity to weigh in. We,
2 like other impacted landowners, were drug into the process
3 by the decision of others. We played no role in the
4 decision that determined our resources would need to be
5 redirected from farming in to a new, totally and familiar
6 arena.

7 A landowner's only option is to react, whether it
8 be to fight or to acquiesce. If you choose fight, you
9 quickly realize you've been tossed into the equivalent of
10 the SuperBowl when you're only suited up for a game of flag
11 football. The Office of Public Participation could help
12 level the playing field; provide communication in layman's
13 terms; provide glossaries; spell out acronyms; provide clear
14 and complete charts showing the permitting process from
15 beginning to end, including all federal agencies as well as
16 state and local permitting authorities.

17 There are lots of moving pieces, and landowners
18 could use assistance in keeping on top of those. Meet
19 landowners where they are, both literally and figuratively.
20 Increase the locations of scoping meetings. We had scoping
21 meetings in impacted areas but not nearly enough. The
22 pipeline covers 230 miles but scoping meetings were held at
23 only four locations, making elderly rural landowners drive
24 great distances, often at night to attend.

25 Take the time and expense to make sure scoping

1 meetings will be available to every landowner. Adapt a
2 method of communication to the audience. Pipeline
3 construction occurs in mostly rural areas, the majority of
4 which do not have reliable Internet, making reports such as
5 a Draft Environmental Impact Statement only available on
6 line prevents many from accessing the information they need
7 to protect their rights.

8 In our case, FERC said that in lieu of making
9 documents available on line, they would make them available
10 at local libraries. Clearly they weren't familiar with the
11 affected areas, because local libraries aren't much more
12 accessible than Internet service for most landowners.

13 Help landowners access the experts they need to
14 support their cases, whether that be legal or subject matter
15 experts. Pipeline proponents have the access and
16 resources to engage experts to support their views.
17 Landowners should be provided the same. Hiring legal
18 representation, appraisers and industry experts, whether
19 farming, forestry or whatever is appropriate costs money
20 that most landowners don't have --

21 MS. ENGLE: 30 seconds.

22 PAMELA ORDWAY: Provide an ombudsman that
23 landowners can access, a place they can feel safe filing
24 complaints about land agents, pipeline representatives;
25 where they can go when they need information and they feel

1 lost in the process. Thank you.

2 MS. ENGLE: Craig Stevens, your line is open,
3 sir.

4 CRAIG STEVENS: Yes, thank you. This is Craig
5 Stevens, C-r-a-i-g S-t-e-v-e-n-s. I'm a sixth generation
6 landowner in Silver Lake Township, Pennsylvania that has
7 been directly impacted by a pipeline installation in my own
8 back yard and across my family's property.

9 The attempted use of eminent domain through the
10 Public Utility Commission of Pennsylvania was thwarted by us
11 real citizen landowners. We fought it, we won. The
12 Commonwealth of Pennsylvania found that they cannot use
13 eminent domain when the project is not for public benefit,
14 and that the use of eminent domain is illegal when it looks
15 like the export of the material is leaving this country.

16 So after that I became a national advocate.

17 Just so you know what I experienced: A 16-inch
18 diameter pipeline was attempted to put underneath the trout
19 stream in my back yard. They blew out the creek eight times
20 over two and a half months. On the first day, July 29th,
21 2011, they had to IRTS or blow out. The mud trucks that
22 were recovering and removing the mud, one rolled over and
23 crushed to death my neighbor, John Jones, III and killed
24 him. Don't let anybody tell you this is not dangerous
25 activity.

1 Then after that debacle, they went up to my 115
2 acre family property; they were crossing a half mile across
3 it, and they ended up dumping 100,000 gallons of liquid of
4 unknown origin, straining the max gel, which is illegal to
5 touch the ground -- says the EPA -- onto my family's
6 property. To this day, that's never been cleaned up. Even
7 though the Commonwealth found against the company and fined
8 them, both the Commonwealth of Pennsylvania's DEP and the
9 Fish and Boat Commission, they would -- gave no help to me,
10 the landowner.

11 So I became an advocate for other people on
12 pipeline routes around the United States. I started
13 Patriots from the Oil and Gas Shales, and I began to work on
14 issues like the Constitution Pipeline. My neighbors the
15 Hollorans were threatened with a \$500,000 fine for simply
16 questioning why the state police showed up on their property
17 on a federal pipeline. FERC needs to get their act
18 together. You don't know how many times county and state
19 law enforcement is being around the country; in Virginia --
20 they even started the Virginia fusion center. They made
21 landowners that are standing up for their own private
22 property rights some kind of domestic terrorists.

23 Having my family, four members of my family
24 spending almost 120 years in the military, we are insulted
25 by this action. FERC needs to open their business up.

1 When will you allow us to come in? I've been to your
2 building 30 times to watch your joke of public meetings
3 where nobody can speak except for those invited, not even
4 the landowners whose lands are being stolen by the illegal
5 use of eminent domain. Immediately I found out the
6 nationwide permit was being used on the Constitution
7 Pipeline, NWP 12 by the Army Corps of Engineers. It stated
8 in their own document, FERC, that they cannot use it for
9 long, large linear projects. You've allowed them to use it
10 all over the United States on long, large linear projects.

11 Finally, the court stood up for us on the
12 Atlantic Coast Pipeline, and now the Mountain Valley,
13 refusing to allow them to use it. I jokingly called FERC:
14 Fire everyone and restore the Constitution. I see you're
15 trying to change your ways. Well, I want you to do a
16 complete U-turn. We, the people, need to be allowed to come
17 in, especially those directly impacted anywhere that FERC is
18 being used to steal land by eminent domain. Obviously
19 anybody that's above a third grade education can see that
20 the Atlantic Coast Pipeline, the Mountain Valley Pipeline,
21 and all these other large pipelines are leading to the coast
22 for export.

23 That's an illegal use of eminent domain.

24 MS. ENGLE: You have 30 seconds.

25 CRAIG STEVENS: Eminent domain by the U.S.

1 Constitution, Fifth Amendment says that the person has to be
2 compensated -- which none of my neighbors have been,
3 compensated. Their land was taken and there was no public
4 benefit, which means no use of eminent domain.

5 So FERC, get your act together. I expect you to
6 have months of hearings every day, and let people come in
7 that have been directly impacted, come in to your building
8 and speak at those microphones, those golden mics, so you
9 only have allowed people that represent the oil and gas
10 industry to come in and lie to all of us. How sad it was to
11 watch landowners try to stand up in a meeting and be heard,
12 and be dragged out of your building like there's some kind
13 of, you know, people trying to attack. No, we're being
14 attacked. Our lands are being stolen, our property being
15 demolished by your actions. And it is time for the
16 American people and American citizens and property owners
17 and taxpayers to be able to stand up in your offices -- I,
18 myself was ejected for no valid reason, and had to get
19 allowed to come back into your building again. I didn't
20 participate in anything that would have done that.

21 MS. ENGLE: Your five minutes is up.

22 CRAIG STEVENS: So I will end with this: My
23 father was a first responder for 63 years, he died an active
24 Lieutenant Colonel, and he died in '07. He would be
25 spinning in his grave watching the federal government use

1 this power against private citizens and then call them
2 "domestic terrorists." Ha! You're the terrorists, you're
3 siding with the terrorists that are coming in --

4 MS. ENGLE: Your time is up.

5 CRAIG STEVENS: Thank you.

6 MS. ENGLE: Robert, your line is open.

7 ROBERT KAISER: Thank you. My name is Robert
8 Kaiser; that's R-o-b-e-r-t. Last name, K-a-i-s-e-r.

9 My comment pertains to natural gas and the Office
10 of Public Participation. The OPP office must hold unbiased
11 evidentiary hearings examining need and purpose. It's
12 trying to move away from, especially the relationship
13 between the local distribution companies and the pipeline
14 owners as the primary and sole factor to determine need, and
15 therefore public convenience and necessity.

16 Currently there are no constraints to prevent
17 LDCs from contracting for excess capacity while ignoring
18 data that shows ample capacity in existing infrastructure in
19 any given region. There is too much self-interest within
20 the industry, including inside of FERC itself.

21 I'm not here to hammer FERC, but FERC seems to
22 have its end-own reasoning that more and more greenfield
23 pipelines are necessary, at any cost. It seems to be their
24 basis for approving pipeline after pipeline after pipeline,
25 without including meaningful public participation or

1 evidentiary hearings to determine the true necessity or
2 need. That is why meaningful or full public participation
3 is needed. That is also why an unbiased public citizen or
4 citizens need to be appointed to the office of the OPP. And
5 that's necessary to access data and see past the perception,
6 management business tactics creating false narratives,
7 unfounded facts where actually no truth to decry a need for
8 more and more pipelines exist.

9 The biggest question I have is -- and I don't
10 want an answer here -- but it is, how is the United States
11 now the larger exporter of natural gas while pipeline
12 companies cry that there's not enough natural gas capacity
13 for domestic use. I hope FERC one day can answer that.

14 This is why an unbiased citizen, one who can't be
15 lobbied, needs to sit in a seat at the table of the OPP.

16 Eminent domain --

17 MS. ENGLE: You have 30 seconds.

18 ROBERT KAISER: Eminent domain used for
19 pipelines, the conditional approval needs to include no
20 eminent domain use until all the permits are approved and
21 the pipeline can move forward. The OPP must have a vote in
22 the certifying process.

23 I thank you for your time and consideration in
24 listening to my comments.

25 MS. ENGLE: William Limpert, your line is open.

1 WILLIAM LIMPert: Thank you for the opportunity
2 to comment. My name is William Limpert, W-i-l-l-i-a-m L-
3 i-m-p-e-r-t. I'm a former landowner along the Atlantic
4 Coast Pipeline.

5 I'm pleased that Commissioners Clements and
6 Christie have joined FERC, and pleased that Commissioner
7 Glick is now Chairman. I'm happy that the Office of Public
8 Participation is finally being created. I'm optimistic that
9 these positive changes will improve FERC; improvements are
10 much needed. FERC has become a rubber stamp for pipeline
11 projects and has ignored 'we the people.'

12 My wife and I fought every day for over four
13 years to defend our retirement home and property in
14 beautiful Little Valley, Bath County, Virginia from FERC and
15 the Atlantic Coast Pipeline. The ACP would have cut our
16 property in half, cut down our virgin forest, all visible
17 from our front porch, left us trapped in the blast zone
18 with no escape or rescue possible, and likely polluted our
19 drinking water. It reduced our property value by more than
20 half. The ACP would have rendered our property unlivable
21 for us.

22 During this four year struggle, FERC continually
23 embraced misinformation from the ACP, rejected our science-
24 based comment, and rejected comments from other experts.
25 With FERC fully backing the ACP and eminent domain hanging

1 over our heads, we were finally compelled to sell our land
2 to the ACP, and our retirement dream was lost.

3 Less than 100 days later, the ACP was canceled.
4 That ordeal and that loss will haunt me for the rest of my
5 life. I reached out to FERC on a regular basis during our
6 ordeal. I was routinely ignored, except for more recent
7 contacts with David Swerington, who has been helpful.

8 FERC has ceded far too much authority to the
9 fossil fuel industry, even while that industry has raised a
10 cruel and ruthless war against landowners, polluted our
11 air, water, and land, sickened our citizens, and brought us
12 to the brink of an unlivable climate.

13 I first reached out to FERC because I could not
14 fully understand how to become an intervenor from the letter
15 we received from the ACP. When I reached out, a FERC
16 spokesperson told me that I did not want to become an
17 intervenor, because that would require me to send hundreds
18 of letters to other intervenors. Not quite a lie, but
19 nowhere near the truth; and a blatant attempt to keep me
20 from intervening.

21 I did become an intervenor, and I've been fully
22 engaged, but it did not save our home and property.

23 The OPP should send out a letter clearly
24 explaining how persons can become intervenors, with no time
25 limit for intervention. Similar letters should be sent to

1 all property owners in the evacuation zone of natural gas
2 pipelines, since these pipelines are threatened and diminish
3 their properties as well.

4 OPP should appoint a NEPA coordinator to assist
5 the public.

6 MS. ENGLE: Sir, you have 30 seconds.

7 WILLIAM LIMPert: Okay. OPP should appoint a
8 public liaison for each FERC natural gas project. The
9 liaison should be available to answer question, to conduct
10 local town hall meetings, to meet with property owners on
11 their property. FERC refused to come to our property.

12 OPP should require that FERC meet the 20 business
13 day response limit as required by the Freedom of Information
14 Act and should not continually invoke exemption 5. None of
15 my three FOIA requests was completed within nine months, and
16 they were filled with redactions. FERC's work us the
17 people's work and should be available to the public.

18 OPP should have an advisory board comprised of
19 citizens and excluding industry representatives, who already
20 have more than enough access to FERC.

21 Thank you for your time.

22 MS. ENGLE: Perry Martin.

23 PERRY MARTIN: Good afternoon, my name is Perry
24 Martin, P-e-r-r-y M-a-r-t-i-n. I'm an elected local
25 government representative in Giles County, Virginia. My

1 reflection comes from my involvement in supporting
2 landowners who are adversely impacted by the MVP project in
3 my community of Newport. We're located in Southwest
4 Virginia, and our community has taken a direct hit from this
5 route. And understandably, our community is dealing with a
6 lot of stress.

7 There's an adage I'd kind of like to begin with:
8 If you fail to plan, plan to fail. And when I think about
9 what an Office of Public Participation can do, it can
10 certainly aid with this planning process.

11 When officials from the MVP project began looking
12 at my accounting for routing potential, they were contacting
13 landowners before any communication with local government
14 officials or any regional planning authorities. There were
15 calls being fielded -- no one really knew who this group
16 was, and as you might suspect, it's led to much confusion,
17 understandable anxiety, that continues today.

18 Throughout this process, in spite of advice and
19 efforts that suggest less destructive and dangerous routes
20 to the communities impacted, the current route cuts through
21 the heart of a rural historic district and in close
22 proximity to the most noteworthy tourist assets in our
23 county.

24 I've also observed and have been told there was
25 some intention that the route has avoided some affluent

1 housing areas, while it remains cutting through less
2 affluent areas. In my community specifically, the current
3 route has led individuals to abandon homes. We've had a
4 business move elsewhere because of the pipeline, and
5 there's been hundreds of thousands of dollars spent with
6 legal fees trying to stop this from happening.

7 My reflection is, an Office of Public
8 Participation would enable FERC to make better decisions.
9 And I believe these decisions can be aided in the following
10 ways:

11 A charge of this office could be to ensure more
12 balanced viewpoints on the future of energy needs and that
13 these viewpoints are considering sources of data that are
14 probably brought into the process; data that comes from a
15 variety of sources. I think there's also a need to assess
16 the fairness of current standards by which public need is
17 determined.

18 There's also need to ensure more accessible
19 processes for public comment. When I made official comments
20 to FERC, the closest meeting was actually across the state
21 lines, nearly at Hallow Way. And that was very different --

22

23 MS. ENGLE: 30 seconds.

24 PERRY MARTIN: Okay. We also need to be focused
25 on environmental justice, particularly looking that low

1 income areas are not being targeted by companies; and we
2 also need to level the playing field between the voice of
3 large entities like the Forest Service and communities and
4 local governments and regional planning agencies.

5 Finally, my final point would be I'd like to see
6 a process developed by which there is consistent and fair
7 negotiation between corporations and communities with
8 regard to compensation for community-wide impact.

9 I again appreciate you for your time today, and I
10 thank you for the opportunity to share my thoughts.

11 MS. ENGLE: Alice Arena, your line is open.

12 ALICE ARENA: Thank you. My name is Alice Arena,
13 A-l-i-c-e A-r-e-n-a. And I'm the President of the Four
14 River Residents against the compressor station in Weymouth,
15 Massachusetts. I'd like to thank the Commission and
16 commissioners for having this session today.

17 FRAC is a citizen organization who came together
18 originally to stop the construction and operation of a
19 transmission gas compressor station in an already-
20 overburdened urban community defined by the industry as a
21 high consequence area. Three communities are directly
22 affected by this compressor, and three aging neighborhoods,
23 environmental justice neighborhoods, about this compressor.
24 We have fought for six years against this infrastructure,
25 using individual and community resources with no help from

1 FERC.

2 Our concern, or some of our concerns are public
3 outreach, financing, and that the OPP not become a place to
4 warehouse those intervening. Public outreach has been
5 relegated to the applicant, and therefore has been 100
6 percent slanted to the interests of the industry. True
7 public outreach could include such things as regional
8 offices, translation services, and educational outreach.

9 Outreach to municipalities should be written into
10 the OPP, as most towns and cities hear only from the
11 industry on what the infrastructure will bring to their
12 community. For instance, our mayor was told this compressor
13 station would be the size of a garden shed. When projects
14 are in prefile, that should trigger the OPP to connect with
15 the local elected officials so that they in turn can alert
16 the community. Too often communities do not even know about
17 infrastructure plans until all permits have been granted,
18 too late to intervene on behalf of the residents.

19 Education is also paramount, as navigating FERC
20 has left groups like ours to self-educate, which can act to
21 cut us out of the process. Financing for legal and other
22 expenses must be built into the OPP. Several states, such
23 as California and Maine, already have intervenor
24 compensation, and FERC should consider looking at these
25 states for guidance.

1 For instance, the industry is able to recoup
2 their legal fees from the ratepayers. Such a mechanism
3 should be available to intervenors who are opposed to
4 infrastructure development. We are also concerned about the
5 definition of what is considered a significant intervention
6 and what is considered reasonable attorneys fees. That the
7 funding would come after the intervention also puts citizens
8 and citizens groups at a disadvantage.

9 And finally using the OPP to warehouse
10 intervenors is a very big concern. This office cannot be
11 used to shuffle the public into a parallel and unequal
12 process. The public cannot lose any rights before FERC that
13 we have at this point. This office must be used to expand
14 our rights, not corral them. Our facts must not just be
15 listened to in this office; they must be acted upon.

16 We are concerned that working through the office
17 might have --

18 MS. ENGLE: You have 30 seconds.

19 ALICE ARENA: -- bar community members from
20 bringing -- later bringing FERC or other players to court
21 for appeals or other actions. We would like to see a voting
22 commissioner in the OPP who is solely a public advocate.
23 And finally, if an advisory board is developed, no industry
24 advocate should be seated on this Board, and truly no
25 industry advocate should be allowed anywhere near the OPP in

1 capacity.

2 The industry, as many have already said, is quite
3 well represented at FERC. Thank you for allowing me to
4 comment.

5 MS. ENGLE: Irene Leech, your line is open.

6 IRENE LEECH: Hello. This is Irene, I-r-e-n-e
7 Leech, L-e-e-c-h. And I am a landowner whose family farm,
8 that has been business for more than 100 years, was selected
9 to be bisected by the Atlantic Coast Pipeline for 1.1 mile,
10 going through the middle of our farm, through eight
11 different fields; and we found no way to get help to move
12 the line within our own property to the edges of our fields
13 instead of the middle of our fields.

14 Imagine that you're a consumer who gets a knock
15 on the door from a land agent who is telling you that a
16 company wants to put infrastructure on your property, and
17 they hope to work something out with you, but if you don't
18 agree, they're going to take it by eminent domain. That's
19 how the first contact happens in the real world. Most of
20 these citizens have never heard of FERC, and have no idea
21 how to participate in the intricate and very rule-heavy
22 processes. And frankly, as you've been hearing from
23 people today, the system is not set up to respond to
24 individual landowners.

25 And so the most important thing that I think this

1 office needs to do is to be there at a resource for
2 landowners. It needs to stop being primarily an entity that
3 supports the industry, but a neutral entity, and one that
4 allows support and helps to occur a process that gives those
5 landowners and communities an equal say in the outcome.

6 The compensation that you get for them taking
7 your land and taking first priority of your land nowhere
8 near takes care of the cost of a landowner who seeks to
9 stand up for their own right, for their business. There is
10 nothing in the process that makes these companies pay
11 attention to the needs of the businesses that they are
12 disrupting. And the thousands of dollars and hours and
13 hours and miles of driving and all of that that the process
14 requires truly discourages real landowner involvement.

15 MS. ENGLE: 30 seconds.

16 IRENE LEECH: So there are a lot more things that
17 I will submit in writing, but I hope that you will rebalance
18 the whole agency. I don't know whether this one office can
19 help do it; I doubt it. But please listen to all that
20 people are saying. Thank you.

21 MS. ENGLE: Francis Eatherington, your line is
22 open.

23 FRANCIS EATHERINGTON: Hello. This is Francis
24 Eatherington, E-a-t-h-e-r-i-n-g-t-o-n. I am calling from
25 Oregon and I am an impacted landowner on the Jordan Cove

1 project, and we've been impacted landowners since 2005 that
2 this project has been going on.

3 And so I agree with a lot of things that's
4 previously been said, I'm not going to repeat those. I
5 would like to have some suggestions on how to make it easier
6 for the public to participate.

7 Number One is, have an e-mail address for the
8 NEPA process so that we can send in our scoping comments and
9 our EIS comments to a simple e-mail address. We're used to
10 dealing with other federal agencies in our area like the
11 Forensic Service and BLM; they have complicated projects,
12 but they provide the public with a simple e-mail address we
13 can use to provide input. You know, they don't have a
14 complicated sign-up process like FERC has on the FERC site.

15 Now if FERC gives out an e-mail address to submit
16 comments on, you're going to get a lot more input from the
17 public; and that's the whole point, right? Of the public's
18 participation? Especially in rural areas with poor Internet
19 access, many of us have to engage with FERC using expensive
20 phone data.

21 Now, you know, this FERC project here in Oregon,
22 this is its third round of docket numbers. And so as an
23 impacted landowner, we didn't get these intervenor
24 processes the first time around. And I understand that some
25 suggestions have been that, for FERC to provide technical

1 assistance to landowners to get to this complicated
2 intervening process. But no, instead, the process should be
3 simplified. Don't give technical assistance for a
4 complicated process; simplify the process.

5 Impacted landowners should be automatically
6 intervened, and landowners should not be required to send
7 each of our comments to hundreds of other people, with our
8 poor Internet access. You know, our experience with the
9 other federal agencies, Forensic Service and BLM, for their
10 projects they have frequent public meetings, many now
11 through Zoom. And they have freaking field trips --

12 MS. ENGLE: Francis, you have 30 seconds.

13 FRANCIS EATHERINGTON: So, you know, FERC should
14 also require the comment deadline to be in the time zone of
15 the project. And FERC should also have more women on the
16 FERC Commission; more than just one woman. To be fair,
17 it's time for a majority of the Commission to be women.
18 Thank you.

19 MS. ENGLE: Richard Averitt.

20 RICHARD AVERITT: Excellent. My name is Richard
21 Averitt, last name is A-v-e-r-i-t-t. I'm a landowner from
22 Nelson County, Veterans Administration who spent six years
23 as a hostage to a broken federal process that does not serve
24 the public interest but instead puts the heavy hand of
25 federal power on the side of a corrupt industry and treats

1 affected landowners like insignificant collateral damage.

2 For the very first time in six years, I genuinely
3 believe that you are here to listen, to consider and to
4 change; and for that I am truly and deeply grateful to
5 Commissioner Glick and to each of you for this effort.

6 At the highest level, FERC must reframe its
7 mission in an era of abundant energy alternative and new
8 technology to enable a new kind of distributed
9 infrastructure that best serves the country and its
10 citizens. And yet, because this is about the OPP, here are
11 five very specific ideas that could be done immediately and
12 have a massive impact:

13 First, intervenors. Every affected landowner
14 should automatically be considered an intervenor by right
15 for the purposes of participating in any dialogue and
16 protecting their own rights. Any other solution removes our
17 constitutional-guaranteed right to due process in what is
18 already an obtuse and foreign system.

19 Second, intervenor support. Every developer of a
20 pipeline project should be required to pay a specific
21 percentage of the project or some dollar amount per
22 landowner into an escrow fund at the date of the
23 application. Use that fund to then pay reasonable attorneys
24 fees to counsel who represent landowners so that there's a
25 mechanism for landowners who are unable to afford a quality

1 defense get one for their rights. Today the only way a
2 landowner can secure counsel if they're not wealthy is to
3 enlist an eminent domain attorney who only gets paid if the
4 landowner ultimately loses their land.

5 Third, read us our rights. FERC should assume
6 the responsibility for distributing a clear and concise
7 guide to every affected landowner that explains landowners
8 rights and the FERC process before the first requests for
9 survey go out. We know that land agents routinely lie and
10 coerce landowners with both threats and promises, praying on
11 frightened and confused landowners.

12 FERC is the only agency with the capacity to
13 inform and protect landowners from predator land agents and
14 developer defeat.

15 Four, truth in taking. Legal agreements are
16 notoriously complex, and years ago we recognized how that
17 complexity was used to obfuscate the facts and prey upon
18 lenders in a mortgage process. As a result, we legislated
19 something called a Truth in Lending statement to require
20 that all of the key points of the contract be expressed in
21 two pages, up front, for anyone to read and rely on. FERC
22 should create a truth in taking statement that does the same
23 thing, for all FERC-enabled easements.

24 And lastly, standardized easements or better,
25 most favored nations. FERC must acknowledge that the act of

1 granting the power of eminent domain is the act of taking,
2 and everything that follows cannot be dismissed as a free
3 market agreement between two equal and willing parties. As
4 evidence of this, the very best terms for any easement
5 agreement --

6 MS. ENGLE: You have 30 seconds.

7 RICHARD AVERITT: Thank you. For the Atlantic
8 Coast Pipeline, or the terms that the State of Virginia got
9 from the developers for their easements on public land, FERC
10 should require a most favored nations clause so that every
11 landowner receives equal structural terms for the taking to
12 ensure that those with the least power to negotiate are by
13 design ensured the same substantive terms as those with the
14 most power and privilege.

15 As an alternative, FERC could develop and require
16 a standardized template for easements that lists each of
17 those federations and balances the contract between the
18 parties.

19 Thank you for your time.

20 MS. ENGLE: As a reminder, if you'd like to
21 comment, please press *1 un-mute, and record your name
22 clearly. Again, that's star-one, un-mute, and record your
23 name clearly. Thank you.

24 And Mary Finneran, your line is open.

25 MARY FINNERAN: Hi, my name is Mary Finneran.

1 M-a-r-y F as in Frank, i-n-n-e-r-a-n. I am a landowner that
2 has not been impacted by eminent domain. My heart goes out
3 to those who have spoken here. But I believe eminent domain
4 needs to not only see that landowners are represented but
5 that any individuals and residents who live within the
6 impact of an interface be represented.

7 Just for a case in point, I drive over the
8 Iroquois pipeline whenever I head Northwest, North,
9 Northeast or East. And currently there's a plan to possibly
10 expand the compressor station, which would mean there would
11 be a great deal more gas going through those pipelines.
12 Which concerns me; I'm driving over the blast zone every
13 day.

14 So I just want to say that I do think that, you
15 know, individuals who might be impacted by any pipeline at
16 this juncture need to be informed; any residents within an
17 area, not just the landowners. And also that the top
18 consideration for any eminent domain or pipeline should be -
19 - the good of society should be the peoples' concerns, the
20 peoples health and environment and not the economic growth
21 and fiduciary concerns of energy companies. I personally
22 believe all energy, all gas -- and all energy should be
23 public domain and that the corporations, the for-profit
24 corporations need to be removed, and that FERC needs to be
25 the agency that oversees it.

1 Thank you. I'm done.

2 MS. ENGLE: Richard C

3 your line is open.

4 RICHARD COLE: Yes, hi. Thank you. My name is
5 Richard Cole. R-i-c-h-a-r-d C-o-l-e. I'm a citizen living
6 in Pennsylvania, which is the second-largest oil and gas
7 producing state in the country.

8 Now, I am not myself -- let me just first say I
9 don't have well-prepared notes because of time constraints;
10 but I will say that first of all I'm not impacted directly
11 in terms of land, though I am potentially in a blast zone
12 for projects that are in the -- well, they're in the in-
13 process, these projects, including a pipeline that is going
14 from the Northeast part of Pennsylvania down through the
15 state and into New Jersey, and this would be LNG, liquefied
16 natural gas for export to other countries.

17 And my concern is certainly for the health and
18 safety of those potentially impacted by new projects, along
19 with of course those that already exist. And these things
20 include leakage and spills, contamination of water,
21 pollution of air, environmental damage, noise pollution,
22 truck traffic, and the risk of explosions which in my case
23 would certainly be a consideration, as there are proposed
24 routes for both rail and truck that are being discussed; and
25 the routes cut through -- a number of these routes cut right

1 through my county, and a couple of them run within a mile of
2 where I live.

3 And of course there are climate considerations
4 with all of this, where we should be thinking more about
5 renewable alternative energy as opposed to allowing these
6 fossil fuel companies to set up infrastructure that will
7 enable them to sell their products overseas.

8 So my main consideration is a mechanism by which
9 the Office of Public Participation can engage fully the
10 public, and the communities, landowners, businesses that
11 would be impacted, and to ensure that there are mechanisms
12 that will allow --

13 MS. ENGLE: Sir, you have 30 seconds.

14 RICHARD COLE: Thank you. That will allow for
15 any and all individuals to know about what projects are
16 being considered, along with any risks and what individuals
17 would need to do in case there are accidents, as I said,
18 with leaks and potential explosions.

19 So my take on it is just that we need to ensure
20 that everybody is in the know. So thank you for the
21 opportunity to express my thoughts.

22 MS. ENGLE: Nan Gray, your line is open.

23 NAN GRAY: Thank you. My name is Nan Gray, I am
24 a soil scientist, a licensed professional soil scientist.

25 One of the things I see the OPP doing is to take

1 care of the concerns of those of us who comment to FERC,
2 saying you have a danger, you have a soil that is going to
3 fall down the hill; you have a soil that cannot stay in
4 place when it is trenched. Mountain Valley Pipeline passes
5 through my part of the world. We have extremely steep
6 terrain, we have soils that have shrink-swell-clay. What
7 that means is when the water gets into the clay -- and you
8 cannot stop rain -- that clay soaks up water, it just keeps
9 soaking up water. It soaks up water so much it heaves. And
10 then when it dries out, it dries up so much it cracks.

11 Houses in this area have broken foundation; that
12 is, if they're built in shrink-swell-clay. We have that, we
13 have a high water table, we have soils that are landslide-
14 prone soils. So these are multiple problem-prone soils, and
15 I will try to tell FERC, you have a danger here. I've
16 looked at the soils Mountain Valley Pipeline provided, which
17 was only by computer, nothing verified; their information
18 says that 78 percent of the 300 miles of Mountain Valley
19 Pipeline will fail. They will fall down the hills, they
20 will cave into caves, they will fall into sink holes. There
21 will be a high water table, there's a frost; they're shrink-
22 swell-clay. There are landslide-prone slopes. Mountain
23 Valley Pipeline keeps calling things 'slip' -- oh, there,
24 there. "It slipped down the hill." 15 feet, 75 feet. No
25 thank you.

1 If we know the soils are not able to stay in
2 place, they have been mapped by the natural conservation
3 service as not being stable for construction. Mountain
4 Valley Pipeline in particular said to FERC: "Do we have to
5 give you more soils information?" FERC said No. That was
6 wrong. FERC should have said, 'You need a detailed, on the
7 ground. Every soil unit should be identified along every
8 inch of your pipeline so that when we get to a soil that's
9 either slip or heave, we know it. And we can either
10 reinforce it or not.'

11 In the case of Karst, which is a soluble
12 limestone -- well, it's a soluble rock. So water passes
13 through it and eventually eats a hole through it. In
14 Southwest Virginia and West Virginia we have Karst
15 everywhere; we have limestone, we have a high vulnerable
16 water table, we have acid sandstone laying on top of
17 limestone, basic limestone rock. And that chemistry makes
18 more --

19 MS. ENGLE: 30 seconds.

20 NAN GRAY: Yes. That chemistry makes more holes.
21 If you trench it, if you blast it there are problems that
22 will happen to your water.

23 Mountain Valley Pipeline blew up a cave over here
24 in the exclusion zone. It should remain in exclusion zone,
25 spread G. They blew up a cave over here and then they

1 covered it up and said 'No, no, it's not there.' There are
2 sink holes that have formed because the rocks they put in
3 have fallen in to the void.

4 Folks have died around here with the anxiety of
5 the Mountain Valley Pipeline coming through their land that
6 they've lived on for seven generations. We need a
7 programmatic Environmental Impact Statement. Now we know
8 the damage Mountain Valley Pipeline's done. Now we need a
9 programmatic environmental impact statement before this
10 project moves forward half an inch --

11 MS. ENGLE: -- time --

12 NAN GRAY: You need to freeze all pipeline
13 construction because --.

14 MIKE SPILLE: Hi, can you hear me?

15 MS. ENGLE: Yes, sir.

16 MIKE SPILLE: My name is Mike Spille, S-p-i-l-l-
17 e. I'm Chairman of the West [] Environmental Commission in
18 West [], New Jersey, and also an impacted landowner along
19 the proposed natural gas pipeline route. I'm speaking for
20 Dom today about permitting of natural gas pipeline projects.

21 I believe while it's nice to have an Office of
22 Public Participation, I really feel that ultimately this
23 will be window dressing and does not cure the larger issues
24 at FERC. FERC is certainly difficult to work with; NGOs and
25 communities, local governments have been able to figure it

1 out over time. We've been able to figure out how to
2 intervene in proceedings. We figured out the awful FERC
3 eLibrary and eFiling systems. We've hired lawyers and
4 domain experts and others to try to engage in a rational
5 discourse about pipeline siting and permitting. We've
6 poured through the National Gas Act and FERC policies. The
7 OPP must and should aid to make
8 these activities easier and more transparent, but these
9 issues aren't really the heart of the problem with FERC.

10 The heart of the issue for impacted landowners
11 and for state governments and local governments is there's
12 no rational discourse to be had with FERC on pipeline
13 permitting. Over the past several decades, FERC has
14 approved every pipeline project before it, with the
15 exception of one or two. Today, impacted landowners and
16 community members have already been given many forums to
17 speak in by FERC; their public scoping meetings, the eFiling
18 and eComment systems, other avenues of participation. I
19 personally participated in many pipeline proceedings that
20 have garnered literally thousands of comments in opposition
21 and generated nearly 2,000 intervenors, and proved
22 participation in more meetings will help.

23 But participation is not the overriding problem
24 with these types of proceedings. The real core problem is
25 that landowners' and local government comments go unheard by

1 FERC. They are effectively thrown in the circular file. It
2 does not matter what objections are made against the
3 project, what science or evidence is presented, FERC
4 historically will and will continue to ignore all comments
5 against the project and unilaterally side with the pipeline
6 company.

7 If you have a perverse sense of humor, actually
8 some of the reasoning in FERC's certificate orders are very
9 entertaining. It's amazing to see what level of legal
10 gymnastics the Commission will go through to find in favor
11 of a pipeline company. At best, if you're extraordinarily
12 lucky you might get a condition tacked on to the certificate
13 order.

14 State governments face the same obstacles; FERC
15 will routinely ignore any and all objections of state
16 governments to natural gas pipelines. In the case of New
17 Jersey, we're actually going all the way to the Supreme
18 Court to fight against 42 properties that [] is trying to
19 take against us.

20 FERC's 1999 policy statement speaks extensively
21 about how the Commission is supposed to weigh environmental-
22 -

23 MS. ENGLE: Sir, you have 30 seconds.

24 MIKE SPILLE: Yep, thank you.

25 The 1999 policy statement speaks extensively

1 about weighing environmental and eminent domain impacts
2 against the benefits of the pipeline. Unfortunately, FERC
3 completely ignores its own policy on a routine basis. It
4 has never, based on my research, done any kind of weighing
5 at all on greenfield certificate proceedings in the past 20-
6 plus years.

7 You know, a lot of the things that are being
8 proposed here by the OPP will help changing things around,
9 conditional orders and eminent domain ordering, but it will
10 help the FERC ultimately ignore landowners and states in the
11 end.

12 Basically what we need here is we really need
13 FERC to fundamentally change and recognize regional issues
14 of pipeline permitting, regional issues with overbuilding of
15 pipeline infrastructure. Fundamentally what I'm asking is
16 that pipeline companies be forced to do business like every
17 other kind of business in the United States; that they be
18 forced to negotiate in good faith with individuals,
19 municipalities and state governments, and not be given carte
20 blanche by FERC.

21 Thank you.

22 MS. ENGLE: At this time we'd like to open the
23 line to Commissioner Clements to say a few words.

24 Your line is open.

25 COMMISSIONER CLEMENTS: Thank you. Hi, all, this

1 is Commissioner Clements. In light of the unique virtual
2 nature of this listening session, we just wanted to let you
3 know that we are still listening. We appreciate the stories
4 you're sharing and the preparation you've put into your
5 remarks as well as the suggestions you are providing. Lest
6 you be concerned that you're speaking into the ether, thank
7 you for being patient and waiting for your place in line to
8 speak. Thank you.

9 MS. ENGLE: Next up to provide a comment is Chris
10 Kopp. Your line is open.

11 CHRIS KLOPP: Hi, my name is Chris Klopp,
12 spelled C-h-r-i-s K-l-o-p-p. I've been involved as an
13 intervenor in state utility dockets, and I've also worked
14 with the public, organizing landowners and residents who
15 oppose utility projects that are threatening their way of
16 life.

17 Utility projects are currently having dramatic
18 and devastating effects on rural America. Public input is
19 very important. So I support the creation of the Office of
20 Public Participation as a way to actively support the public
21 in having a voice in FERC matters. In my experience, all
22 regulatory processes currently favor the utilities, whether
23 that be local, state or federal. OPP can have a role in
24 fostering a better balance for the public in relation to
25 utility interests, at least for FERC processes.

1 With regard to what OPP's director would need in
2 order to achieve the goals of a public participation office,
3 it is critical that the director be free of any and all
4 utility entanglements, including connections to investors
5 and utility-supported organizations. The qualifications of
6 the director should include skills in public outreach and
7 education.

8 To the extent that OPP provides support to
9 organizations, they should enact strict screening and
10 disqualify organizations who receive any utility funding or
11 utility donations or have a vested interest in utility or
12 merchant power plant projects.

13 OPP should enlist ongoing public input by
14 instituting a retail customer advisory presence. This can
15 be done by making a retail customer advisory panel either as
16 an arm of OPP or incorporating into the office to advise on
17 decision making processes.

18 A customer advisory board could be incorporated
19 into FERC standard operating procedures and could be
20 facilitated by OPP. A customer advisory board could be a
21 stand-alone entity for the purpose of advising FERC, and
22 could also be facilitated by OPP.

23 All members of any customer advisory board should
24 be vetted to eliminate all utility entanglements. OPP could
25 act as an interface to FERC, bringing public --

1 MS. ENGLE: Ma'am, you have 30 seconds.

2 CHRIS KLOPP: -- to FERC's leadership and staff
3 regarding operation and policy development. OPP could
4 provide a public intervention education resource that would
5 include: written material on intervening processes,
6 including step-by-step details of what's required in layman
7 terms; offering an intervening course or workshop on an
8 annual or semiannual basis, addressing both pro se
9 intervention and those with representation; provide
10 intervenor funding and looking to improve how that works;
11 provide a phone line to answer questions that individuals
12 are having about intervening process.

13 So I thank you for this opportunity and I hope
14 that we will actual see the changes that need to come about
15 in this office. Thank you.

16 MS. ENGLE: Roberta Bondurant.

17 ROBERTA BONDURANT: Good afternoon. Hi, my name
18 is Roberta R-o-b-e-r-t-a Bondurant, B as in boy, o-n-d-u-r-
19 a-n-t. I am a member of Preserve Bent Mountain, and a co-
20 chair of Protect our Water Heritage Rights, a coalition of
21 14 member organizations, grass roots organizations that came
22 together in 2015 in West Virginia and Southwest West
23 Virginia.

24 I appreciate your hearing us, Chairman Glick,
25 Commissioners Clements and Chatterjee. I appreciate the

1 words honest progress and fair and respectful that you all
2 have used in your introductions.

3 I would like to ditto the request of Tonia Moro
4 with regard to the participation of the public interest
5 attorney, let's see, Richard Averitt; and Ms. Bulina
6 mentioned responsible attorneys fees, specifically
7 requesting a public defender. And I'll get to that point in
8 my comments. And Ms. Eatherington mentioned offering an
9 e-mail address, the most simple form of access. And so that
10 simplifies one of my requests.

11 It is imperative in my mind that the first FERC
12 Office of Public Participation, and you folks,
13 commissioners, understand the plight of mostly rural, often
14 elderly populations.

15 The wheels of justice may move more slowly along
16 many pipeline routes than in FERC at this moment. In some
17 many law-abiding, taxpaying landowners get less process than
18 suspected drug dealers in property courts, but you're
19 proceeding in eminent domain It is imperative for FERC
20 officials as public servants to understand the lion's den
21 into which you throw landowners when you certificate a
22 project.

23 So we ask that you provide for local offices if
24 you cannot provide for an e-mail address. Perhaps you'll
25 consider providing a local office in any event to assist

1 landowners who do not have technological or Internet
2 capability.

3 Who should serve? Perhaps a state or federal
4 practicing public interest attorney or other advocate
5 knowledgeable of FERC and eminent domain practice who
6 understands the full range of eminent --

7 MS. ENGLE: Roberta, you have 30 seconds.

8 ROBERTA BONDURANT: I will submit the rest of my
9 comments to writing. Thank you.

10 We ask you again to consider a public defender.
11 Presently eminent domain counsel are paid by a portion of
12 the easement sale itself. And I ask you to consider how
13 that affects practice in each of these pipeline routes.
14 Thank you.

15 MS. ENGLE: Karen Feridun, your line is open.

16 KAREN FERIDUN: Thank you. My name is Karen Be
17 K-a-r-e-n F-e-r-i-d-u-n, and I'm the founder of Berk's
18 Guest [] in Pennsylvania, and I'm speaking today on behalf
19 of the Voices Coalition, a national coalition of over 350
20 grassroots activists, environmental leaders, lawyers and
21 experts from 35 states working together to oppose the
22 proliferation of fracked gas pipelines, LNG exports and
23 their associated infrastructure nationwide.

24 The process we are commenting on today is in
25 tandem with PL18-1, Renewed Inquiry Into the Process of

1 certifying new pipeline project. Substantive issues like
2 eminent domain, climate change, health and environmental
3 impacts with shale gas development, and others are topics
4 being expressed in that docket.

5 For the past several years, members of our
6 coalition have met with commissioners to discuss those
7 substantive issues and the carefully crafted reforms we
8 have developed to address them.

9 We have heard Chairman Glick express a desire to
10 build public confidence in the Commission's decision-making
11 process and his view that the creation of an Office of
12 Public Participation is a means to that end. We believe
13 that any process that results in the use of eminent domain
14 for private gain or the approval of more natural gas
15 infrastructure that exacerbates climate change will likely
16 become an asset; or adversely impacts the health of people
17 and the environment is not a successful one.

18 An easier-to-navigate, more user-friendly,
19 responsive and more congenial process created by the new
20 office that leads to those outcomes is not an improvement
21 over the public participation process currently in place.
22 Our concerns must be addressed.

23 For years our member organizations have been
24 among the many that have taken part in the existing process.
25 FERC dockets are full of substantive comments from the

1 public and from experts the public has engaged.
2 Incidentally, we have also commented about our issues with
3 the FERC pipeline review process itself.

4 Is there any other way to interact with the
5 Commission on those matters?

6 For years our points have been largely ignored
7 unless and until we can make them in court. FERC has earned
8 the public's lack of confidence in its decision-making
9 process. It will take much more than establishing an Office
10 of Public Participation for FERC to regain our confidence.

11 The Commission can start by implementing the
12 reforms we have recommended. We will submit them to the
13 PL18-1 docket as our written testimony, and we would be
14 happy to work with the Commission on their implementation.
15 Thank you.

16 MS. ENGLE: Nancy Harkins, your line is open.

17 NANCY HARKINS: Thank you. My name is Nancy
18 Harkins and I am a resident of Chester County, Pennsylvania.

19 In my neighborhood, the energy transfer Sonoco
20 Mariner pipelines and the Adelpia Pipeline are
21 approximately half a mile apart. My home is equidistant
22 between the two. My husband and I are extremely concerned
23 about the hazards presented by these type of unnecessary and
24 dangerous projects, that will result in significant
25 environmental impacts. In fact, the Mariner project already

1 has.

2 I'm an intervenor in both the Adelphia and Pence
3 East projects, but I struggle to be informed and engaged in
4 the process. I've submitted numerous written comments; and
5 on one occasion I recorded my comments about Adelphia in a
6 very ineffective session that was held in a hotel meeting
7 room outside Philadelphia with only a FERC employee in
8 attendance.

9 While there must be at least a perfunctory
10 response to these comments it is difficult for me to locate
11 them, much less anyone else. I have little expectation that
12 my concerns have ever been considered at all.

13 It is difficult for the average non-industry
14 person to navigate the process, know the critical steps and
15 the timeline for engagement. I have been reliant on
16 community word-of-mouth or updates from environmental groups
17 who participate. In fact, that's how I learned about this
18 session.

19 It is even more challenging; one resident's need
20 to navigate FERC-regulated projects in close proximity with
21 non-FERC projects such as the energy transfer Sunoco Mariner
22 Pipeline as I have had.

23 In my experience the FERC process is convoluted,
24 obtuse and wholly unresponsive to the concerns of affected
25 community members. This is compounded by my belief, which

1 has been so well articulated by previous speakers, that FERC
2 does not act in the best interests of the people of the
3 United States, and therefore has no credibility.

4 FERC needs to consistently perform in a manner
5 that establishes trust. Without establishing trust, an
6 Office of Public Participation is just lipstick on a pig.

7 Part of establishing trust is facilitating public
8 participation in a genuine effective manner. The timing of
9 this meeting is yet another example of FERC's tone deaf
10 behavior.

11 MS. ENGLE: You have 30 seconds.

12 NANCY HARKINS: You are inviting public comment
13 at a single session, mid day and mid week at a time that is
14 likely to be inconvenient and inaccessible for most people.

15 Many impactful suggestions for reform have
16 already been submitted prior to today, as Karen Feridun
17 alluded to. FERC should seriously address adopting these as
18 quickly as possible and not waste any more time going
19 through the motions. FERC has a major role to play in
20 addressing the devastating impacts of climate change that
21 are already upon us. The people of the United States and in
22 fact the world can't afford to wait any longer. Thank you.

23 MS. ENGLE: As a reminder, if you have a comment,
24 it's *1, un-mute, and record your name clearly. Again,
25 that's star-one, un-mute, and record your name.

1 Next up we have Ron Schaaf and Deb Evans. Your
2 line is open.

3 DEB EVANS: Thank you. Rom is spelled R-o-m
4 Schaaf, S-c-h-a-a-f, and Deb, D-e-b Evans, E-v-a-n-s.

5 Thank you so much for this opportunity. Rom and I
6 have been affected landowners on the Pacific Connector
7 Pipeline in Southern Oregon for over 15 years, and three
8 iterations of this project.

9 Our comments today will focus on hindrances
10 Oregon landowners have faced and remedies the Office of
11 Public Participation can provide as a neutral entity.
12 Hindrances to landowner participation include the complexity
13 of navigating FERC websites, the lack of Internet
14 capability, mistrust of the company, lack of resources, and
15 the need for a neutral, trusted entity to simply walk them
16 through the process to intervene and to comment.

17 Having three times to learn the ropes, and
18 providing support for each other, has increased intervenors
19 from 52 to over 400 in the third round. Many of these
20 landowners were able to navigate the simpler process at
21 other local, state and federal agencies and did so via
22 e-mail, mail and in person. A significant factor to
23 increase landowner engagement was landowners supporting each
24 other. Our having the ability to communicate with affected
25 landowners was imperative to making sure they received the

1 notice and could weigh in on these permit procedures.

2 We found that being kept in isolation by FERC's
3 practice of withholding affected landowner names and
4 addresses from the public was probably the singlemost
5 damaging to landowners' self-interest, limiting both
6 understanding of the process and the ability to engage.

7 The 9th Circuit Court, in our challenge to FERC's
8 practice, agreed with us that the public interest was better
9 served by publishing landowner lists.

10 Recommendation No. 1: OPP should make the names
11 and addresses of affected landowners available from day one.

12 No. 2: OPP and not the company should take
13 responsibility for all notifications and clearly written
14 instructions made available by mail, on line, and with the
15 phone number to call for questions.

16 No. 3: Simplify the procedure so that
17 participants can send an e-mail or mail in comments and
18 motions to intervene. Better yet, consider having all
19 landowners be intervenors automatically, requiring no
20 process, since they are directly impacted.

21 No. 4, provide copies of a clear policy statement
22 governing FERC Section 7 certifications including specifics
23 on how and when the public interest is determined.
24 Understanding how FERC makes decisions and how and when it
25 conducts the balancing test to determine public interest

1 against adverse effects allows landowners to provide
2 relevant, critical information that will help FERC make
3 better decisions and better and more informed decisions.

4 5: Make information available in a format
5 landowners can address. Many in Oregon have no Internet
6 access. Provide hard copies as needed.

7 6: Create a landing spot at OPP to report land
8 agent and company misconduct anonymously and where
9 consequences are implemented. It was communication between
10 landowners that brought to light intimidation,
11 misinformation and pressure tactics being used particularly
12 toward older widows confronted by persistent land agents at
13 their home. Many were afraid to report actions publicly to
14 FERC for fear of retaliation by the company later on.

15 Allowing landowners to support each other, report
16 abuses anonymously, and simply ask OPP staff if what they've
17 been told is true, better informs FERC on the company's
18 behavior and helps verify that information given to
19 landowners is accurate and ethical.

20 7: The structure of OPP should include regional
21 field offices and an ombudsman for landowners, encourage
22 engagement and provide a neutral entity whose mission is to
23 advocate for a fair and unbiased process.

24 8: Creating an advisory board would better
25 inform OPP how to obtain this mission and should have, a

1 minimum have one to three landowners representatives who
2 have experienced firsthand the FERC process as an affected
3 landowner and have worked directly with landowners in
4 Section 7 proceedings.

5 Last, OPP should use California's public
6 utilities code section 1800 to 1807, amended to ensure that
7 landowners and other key stakeholders are eligible to
8 receive compensation as intervenors.

9 Thank you so much for this opportunity to provide
10 comment.

11 MS. ENGLE: Richard Walker, your line is open.

12 RICHARD WALKER: Can you hear me?

13 MS. ENGLE: Yes, sir, we can hear you.

14 We can hear you, Richard. Go ahead.

15 Richard, can you check your mute button?

16 RICHARD WALKER: Sorry about that. Can you hear
17 me now?

18 MS. ENGLE: Yes, sir.

19 RICHARD WALKER: All right. As I was saying, I
20 hope this is not an exercise in a patronizing gesture to say
21 that you did something as a newly formed commission.

22 I come from an area, Buckingham Union Hill where
23 it was truly a reckless and irresponsible permitting classes
24 by FERC that affected the historically African-American
25 community, that they never looked at, never saw, never took

1 into account the impact that the ACP would have had.

2 Fortunately, we've had the support and assistance
3 of numerous environmental justice organizations that came to
4 our aid, and even the Southern Environmental Law Center,
5 that we took the ACP to court and we won. We fought off
6 the Goliath; we got rid of Dominion out of Buckingham, out
7 of Union Hill.

8 Rural landowners to this day now still have not
9 gotten their land back as a result of this being denied and
10 being vacated by the 4th District Circuit Court. And that
11 is like implorable; why should they not get their land back
12 to us? My family had owned our land for over 130 years,
13 just as Ms. Leech indicated about her family. This is a
14 historical, rural area that has been destroyed through
15 FERC's permitting, but then the State of Virginia, they go
16 based on what FERC says, and then they do it; then the
17 County Board of Supervisors, because they have no revenue,
18 they're going to basically take whatever money they can get
19 from any of these corporations that come in there to destroy
20 these areas of primarily folk that have been there for
21 generations.

22 Eminent domain. They attempted, threatened and
23 came after elderly folk, saying 'If you don't sign for an
24 easement, we're going to take your land through eminent
25 domain.' You know, the systemic racism and overall

1 exploitation, you know, starts and ends with FERC.

2 And it's time for FERC to stop feeding into the
3 corporate greed of primarily frack companies and companies
4 that really have no need to even get gas out of the land,
5 because there's no need for it in the Commonwealth of
6 Virginia. And it's at that time and point where it 's time
7 for definitive action to take place to stop the corporate
8 greed in the United States.

9 Listening to these folks coming from the East,
10 West, North and South, they're having the same issue that
11 FERC has been permitting all of these corporations. We
12 already have the Transco line on our property. We're in a -
13 - zone as it is. If we allow for the ACP to come through,
14 if we allow for the MVP to come through, all of these lands
15 and all of these areas can, you know, there won't be no
16 survivors. You know, if something, an explosion were to
17 happen, it would take out the entire community.

18 None of this is being looked at prior to FERC
19 giving these permits. It's high time that you at least have
20 some regional offices if not local offices that can address
21 the issues of whether this is an environmentally safe
22 community or safe part of the United States to have, allow
23 for these permits. It is not that they should not even have
24 -- there should be a moratorium on any new type of fossil
25 fuel construction going on anywhere in America.

1 It's time for us to stop allowing corporations to
2 run this country as opposed to smart, smart --

3 MS. ENGLE: Your time is coming up.

4 RICHARD WALKER: -- economical as well as climate
5 control to be taking place and renewable energies. It's
6 high time to change the narrative of allowing permitting
7 through FERC. Thank you for the time.

8 MS. ENGLE: Irene Gilbert, your line is open.

9 IRENE GILBERT: Hello. Can you hear me?

10 MS. ENGLE: Yes, we can. Yes, ma'am.

11 IRENE GILBERT: My name is Irene Gilbert and I am
12 the co-chair of the Slot B2H Coalition, which is a group of
13 nine nonprofits and approximately 900 individuals who are
14 responding to the Fordman-Hemingway transmission line.

15 Let me make some broad comments first in terms of
16 recommendations. B2H is a, basically a three way with no
17 off ramps that's going to run 300 miles through Eastern
18 Oregon, and the notice regarding this transmission line is
19 only provided to people who are impacted, to live within 250
20 feet of the transmission line.

21 So the notice requirement should be expanded
22 significantly. And eminent domain should not be allowed for
23 profit-making developers because infrastructure development
24 is basically a way that developers are assuring income over
25 the long run in a questionable economy.

1 FERC should be the one to provide information to
2 the landowners. In this instance, Idaho Power has actually
3 told some people that they didn't need to participate in the
4 process because ultimately they were not planning on putting
5 the line on the sections that they were involved with.

6 So the energy market changes need to be
7 incorporated into the decisions to build pipelines,
8 transmission lines, and other energy infrastructure.
9 There's no consideration for such things as increased
10 rooftop, solar, microbridge, battery storage, small nuclear
11 and those kinds of alternate methods of providing energy
12 that do not necessarily require high voltage transmission
13 lines.

14 Siting decisions need to include a robust cost-
15 benefit analysis that includes impacts to wildlife, local
16 economic impacts, citizen health and safety, and recognize
17 that while long term impacts to global warming are important
18 to the people and wildlife, when developers are bringing
19 wildlife to the verge of extinction today, I'm not sure that
20 the cost justifies the long term benefits.

21 Financing for private citizens to participate
22 needs to exclude organizations that accept funding from
23 energy developers with the financial benefits from the
24 project.

25 I believe that dollars should be available in

1 grants because many of the individuals do not have the up-
2 front money to participate in the process --

3 MS. ENGLE: Ms. Gilbert, you have 30 seconds.

4 IRENE GILBERT: -- a rule set up, a public
5 process that establishes criteria for issuing the grants.

6 Changes occurring post-authorization of the
7 development should require a public process. Funds are not
8 conceded until after the development is improved.
9 Expanding sites are allowed, and when developments are
10 changing out loaders and expanding the site locations
11 without any public involvement.

12 I believe there is a contact list the public can
13 sign up for, and we're saving notices from FERC, and there's
14 a lot of accumulative evaluation of these developments. For
15 instance, when you put a transmission line across a state it
16 is going to encourage a lot of wind and solar development
17 along that course, and --

18 MS. ENGLE: Ms. Gilbert, your time has expired.

19 IRENE GILBERT: -- in Oregon. I sat in on a
20 legislative committee where they were asking, 'Where are we
21 going to put all these wind farms? They're going to take up
22 a lot of land.' And had one of these representatives say
23 "Well, there's a lot of land in Eastern Oregon." That's
24 kind of the attitude.

25 And in Oregon, the Department of Energy bills the

1 developers directly to pay for their action. For example --

2

3 MS. ENGLE: Your time has expired.

4 ALEXIS BERENGs: Can you hear me?

5 MS. ENGLE: Yes, we hear you.

6 ALEXIS BERENGs: Okay, thank you. My name is

7 Alexis Berengs, A-l-e-x-i-s B-e-r-e-n-g-s. And the

8 Environmental Policy -- Lambert, New Jersey and New Hope,

9 Pennsylvania. I work in international environmental law and

10 policy as pertaining to indigenous and environmental justice

11 communities, and I am also a current student of marine

12 biology and ecology. I am a mother of a four year old who

13 is too young to speak for his future.

14 I was born and raised in the Delaware River town

15 of Lambertson, New Jersey, and our community collectively

16 has said no to the Penneast pipeline. We have been fighting

17 against the pipeline for nearly a decade, yet FERC has

18 continuously denied our voices and concerns.

19 Your sessions of open comment are intentionally

20 confusing and only serve to placate the victims of the

21 decisions you have already made. On February 20th of 2020,

22 you granted Penneast Pipeline Company's request for

23 extension of time to complete construction and make the

24 project available for service in two years, to January 2022.

25 Despite numerous protests from landowners and

1 concerned citizens, fracking was banned in the Delaware
2 River Basin in February of this year, sending a clear
3 message that the Delaware River Basin communities do not
4 want the Penneast pipeline constructed. The New Jersey
5 District Court denied Penneast's claimed eminent domain,
6 resulting in the upcoming supreme court case this April,
7 despite what residents in the Delaware River Basin want.

8 FERC is directly funded by the industry it is
9 intended to regulate, leaving communities at risk and
10 heavily victimized. There's a clear conflict of interest in
11 the lives of generations in your game. Focus should be on
12 green energy, not perpetuating fossil fuel. Future
13 generations are the ones who suffer, including my four year
14 old son, whom you probably hear in the background.

15 I no longer swim in the Delaware River due to
16 pollution, and I certainly like enjoying our beautiful
17 river. The blood and oil is on your hands. We are
18 signatories to the Paris Accords and FERC works directly in
19 opposition to this agreement. FERC should focus on the
20 future, not antiquated and contested sources of energy.

21 The financial and environmental cost to
22 communities to clean up oil spills and brownfields after
23 your decisions far outweighs the temporary benefits of a
24 handful of jobs in dirty energy that perpetuate pollution.

25 FERC is misusing legal loopholes and ignoring

1 court orders to advance vast infrastructure projects while
2 preventing effective and concerned communities from
3 participating in the process. FERC is required to provide
4 adequate notice to landowners, and it has delegated that to
5 pipeline companies without proper oversight, which has
6 resulted in landowners not understanding what their rights
7 are or how to intervene with the FERC process.

8 MS. ENGLE: Alexis, you have 30 seconds.

9 ALEXIS BERENGIS: -- public comments is purposely
10 challenging and confusing, resulting in many voices not
11 being represented.

12 We, the people of the Delaware River Basin demand
13 an independent investigation of FERC and that necessary
14 reforms be identified. We need a review of FERC by Congress
15 in the form of congressional hearings as well as
16 investigation by the Government Accountability Office. If
17 you really cared about the people, this call would not be
18 sowed with
19 the grievances of victims of your decision.

20 We see you, we are watching, we are educated and
21 we are organized. It is time that you listen to the people.
22 Thank you.

23 MS. ENGLE: Rosemary Wessel, your line is open.

24 Rosemary Wessel, your line is open.

25 ROSEMARY WESSEL: Can you hear me?

1 MS. ENGLE: Yes, ma'am, we hear you. Thank you.

2 ROSEMARY WESSEL: Okay. My name is Rosemary
3 Wessel. That's R-o-s-e-m-a-r-y W-e-s-s-e-l. I'm with
4 Berkshire Environmental Action Team, a longstanding
5 environmental nonprofit that seven years ago started
6 engaging, educating our neighbors and communities in New
7 England and upstate New York that had been impacted by a
8 large Kinder Morgan gas transmission pipeline.

9 I want to thank FERC had Chairman Glick for
10 starting this initiative for an Office of Public
11 Participation. Given the amount of projects placed in
12 environmental justice communities across the country, where
13 English is not the primary language, it is imperative that
14 this listening session be held again when translation
15 services are available, and at a time when more working
16 people are able to attend. It is unconscionable to hold
17 hearings on public participation that leave out key members
18 of the public.

19 To ensure that the Office of Public Participation
20 isn't merely the office of FERC lip service, there needs to
21 be a full voting position for advocates, for landowners and
22 community stakeholders on panels for each individual project
23 being submitted for certification.

24 I concur with other commenters who have argued
25 for simplification of the process, including less

1 technologically demanding ways to engage and automatic
2 intervenor status for directly impacted landowners and
3 municipal and regional officials. The OPP should also be
4 responsible for directly notifying all impacted landowners,
5 municipalities and their elected officials of new projects
6 with descriptive documents, education on legal rights, and
7 participation in the certification process.

8 OPP should also be responsible for direct
9 meetings with each individual impacted who cannot make it to
10 scoping hearings and other procedural processes. In the
11 case of Kinder Morgan's Northeast Energy Direct, most local
12 officials found out about the intended project when
13 landowners inquired about who was approaching them for land
14 surveys but with little to no description of a project by a
15 company none of them had ever heard of.

16 Our main concern at BEAT is that the OPP will
17 become the digital equivalent of a cordoned-off free speech
18 area, and the process of constructing this office needs to
19 include far more input than four listening sessions, in
20 silent groups of stakeholders and not available to non-
21 English speaking members of the public.

22 I do hope that recordings of transcripts of these
23 listening sessions will be made available for those who are
24 not able to participate today, and thank you for the
25 opportunity to speak.

1 MS. ENGLE: Carl Zipper, your line is now open.

2 CARL ZIPPER: Hello. My name is Carl Zipper, Z-
3 i-p-p-e-r. I live in Blacksburg, Virginia. I'm not an
4 affected landowner but I very much appreciate the comments
5 of the affected landowners. I am, however, a person who has
6 attempted to comment, who has commented extensively on
7 Mountain Valley Pipeline due to my concern of its potential
8 impacts.

9 The OPP should ensure that affected parties are
10 provided with an updated, current geo referenced and
11 accessible version of the project proposal they are expected
12 to comment on. As the project proposal goes through the
13 FERC process, the initial proposal goes through numerous
14 changes. These include both routing changes and changes to
15 the application and supporting documents. But a current
16 version of the project proposal is not provided to the
17 public as a complete document. Providing potential
18 commenters with a current and updated copy of the
19 application would allow affected parties to be aware of
20 what it is they are expected to comment on.

21 Similarly, access to current geo referenced
22 location information would enable commenters to compare
23 proposed routings to the geo spatial data describing the
24 location of potentially affected environmental resources, as
25 is commonly done today.

1 This is in contrast to the current procedure as
2 we experience it here in Southwest Virginia, where the
3 initial application was supplemented by numerous amendments
4 and changes, including changes to the routing, changes to
5 stream crossings, changes to environmental restoration
6 methods and changes to all manner of construction details.
7 Yet these changes are never communicated to the public in
8 the form of a current, updated and accessible application.
9 They are communicated as amendments to FERC filings posted
10 to a docket, and as appendices to such filings, and as
11 exhibits attached to appendices and so forth. And as
12 subsections to exhibits attached to the filings and so
13 forth.

14 Being aware of the current status of a project
15 proposal requires an arduous, complex and time-consuming
16 procedure of following individual changes, which are
17 typically posted to the public as individual documents to a
18 FERC docket, while intermingled with thousands of others and
19 hundreds of other filings submitted by the applicant.

20 Similarly maintaining current awareness of the
21 current route mapping requires a similar process of
22 following multiple filings to the FERC docket. An analysis
23 of proposed location data requires an arduous task of
24 comparing print formatted maps that are not convertible to
25 digital shape file formats that would enable comparison to

1 the digital databases describing environmental resources
2 that are common today and that are used by project
3 developers.

4 The OPP should either itself or work with other
5 FERC offices to ensure that affected parties have access to
6 updated current geo reference and accessible version of the
7 project proposal they are expected to comment on. Thank
8 you.

9 MS. ENGLE: Arianne Elinich, your line is now
10 open.

11 Ariana, can you check your mute button? Your
12 line is open.

13 ARIANNE ELINICH: Good afternoon, can you hear
14 me?

15 MS. ENGLE: Yes, ma'am.

16 ARIANNE ELINICH: My name is Arianne Elinich, a
17 resident of Bucks County, Pennsylvania. I've heard from a
18 number of folks who find the timing of this meeting in the
19 middle of the work day extremely disenfranchising. As a
20 result, there are individuals who are unable to participate
21 today due to the timing of these sessions, and I would ask
22 that the FERC consider holding future sessions during
23 evening hours as well, additional listening sessions to
24 allow those who work during the day the opportunity to
25 participate.

1 Also with regard to accessibility, since this
2 session is audio only, clearly individuals who are hearing
3 impaired are unable to participate; and as someone who is
4 partially deaf, I will say that I often rely on lip reading
5 during meetings. I would encourage the FERC to make
6 accommodations for those who might be hearing impaired so
7 that they can participate as well.

8 On another note and most important to me is the
9 issue of the FERC's conditional certificate for the Adelphia
10 Gateway Pipeline Project. The Adelphia Gateway Pipeline,
11 built in the 1970s to transport crude oil under the
12 jurisdiction of the Pennsylvania Department of Environmental
13 Resources at the state level at that time is now proposed to
14 transmit natural gas beyond state lines, under the FERC's
15 authority.

16 Population density has grown significantly in the
17 areas through which this pipeline runs, and the
18 infrastructure that was constructed in the 1970s was not
19 designed to transmit natural gas under high pressure.
20 Additionally, an EIS was never done to evaluate the
21 environmental impacts of the Adelphia Gateway Pipeline
22 Project; however, the construction on the project is now
23 well under way.

24 As a result, I remain extremely concerned about
25 the integrity of this over-40 year old pipeline, and I am

1 asking for the FERC to do its due diligence in order to
2 assure the community members who reside within the impact
3 zone of this pipeline that the Adelpia Gateway Pipeline is
4 safe and able to carry natural gas under high pressure
5 without incident.

6 The original certificate for the project was
7 conditional, it's my feeling that the FERC should order a
8 cessation of any further work on this project until further
9 review can be done by the FERC to establish that this
10 project can proceed in a responsible and transparent manner
11 that does not conflict with the public good.

12 Thank you so very much for the opportunity to
13 share my concerns today.

14 MS. ENGLE: Katherine Kate Hudson, your line is
15 open.

16 KATHERINE HUDSON: Thank you. My name is
17 Katherine Hudson, K-a-t-h-e-r-i-n-e H-u-d-s-o-n. And I
18 work for Water Keeper Alliance, which is a coalition of 148
19 local water keeper groups across the United States, a number
20 of whom have been directly involved with fights against
21 proposed pipelines, to protect their local waterways;
22 including Constitution Pipeline in New York and Jordan Cove
23 Pacific Connector Pipeline in Oregon.

24 Better access to a broken process will not solve
25 the fundamental problem we have here. A government agency

1 that is organized and structured to facilitate private,
2 for-profit companies to profit over and at the expense of
3 the public, to different landowners in environmental justice
4 communities and tribal nations.

5 Until the agency itself is fundamentally
6 reformed, the best that the Office of Public Participation
7 can do to band-aid this ongoing government attack on its own
8 citizens and abuse of their rights and property is to be
9 tasked and staffed to not just be a resource, but also be an
10 advocate for the public. Not only giving the public
11 resources that include funding, access to legal and expert
12 advice and all of the other excellent specific
13 recommendations that have been made by other speakers, which
14 we wholeheartedly support.

15 But more importantly, beyond providing direct
16 public assistance, we also strongly recommend that the OPP
17 should be structured to be an advocate for the impacted
18 public within FERC itself, at the table, representing the
19 public's interest in all of FERC's deliberations; not just
20 those related to the permitting of infrastructure projects.

21 Government agencies are ultimately the people's
22 agencies. FERC has not been operating in a way that honors
23 that basic principle. Hopefully the formation of an Office
24 of Public Participation will be a first small step that
25 signals a commitment by FERC to undertake a much more

1 fundamental reshaping of the agency so that its purpose and
2 goals and actions respect and protect the public's interest,
3 not repeatedly ignore abuse and destroy the public's
4 interest as so many of this -- on this call have so
5 painfully and powerfully described today.

6 Thank you for the opportunity to comment. We all
7 hope that this will be the beginning and not the end of
8 FERC's listening and efforts to represent the public.
9 Thank you.

10 MS. ENGLE: As a reminder, if you would like to
11 make a comment, press *1, you must un-mute and record your
12 name. Your name is required to comment today.

13 And next up we have Sally Jane Gellert. Your line
14 is now open.

15 SALLY GELLERT: Hi, thank you very much. I'm glad
16 to see this hearing -- Sally Jane Gellert from Bergen
17 County, New Jersey. That's G-e-l-l-e-r-t.

18 I am glad to see this hearing and the opening of
19 the Office of Public Participation, which is long overdue.
20 We need the new OPP to inform the public, to be a liaison to
21 affected communities, to complete FOIA requests on time, and
22 to support resident's interest, not energy industry economic
23 interest. We must provide information to FERC, but to make
24 better decisions it should be led by individuals without
25 ties to the energy industry. In fact industry has enough of

1 a voice at FERC, it has no place in this office, which must
2 be the equivalent of an ombudsman or a public advocate's
3 office. It must provide local individuals with access to
4 information about proposed projects in accessible formats
5 and languages in which they are fluent, and access to
6 regulators at all levels of government, including the
7 ability to speak at all meetings and access to support for
8 their attempts to protect their interests.

9 The companies that propose these projects have
10 vastly more resources than most landowners and neighbors.
11 We need the federal government to level the playing field to
12 the greatest degree possible.

13 Probably every large project should have
14 community benefits agreements with those municipalities it
15 directly affects. The Office of Public Participation could
16 be instrumental in negotiating these, but not if it is
17 merely a P.R. effort to keep a public outraged by the
18 current egregious actions of industry uncontrolled by FERC
19 to date. Costs of intervening must be considered as is the
20 terrible process of tolling.

21 We need FERC to do complete, unbiased
22 investigations, science-based without accepting self-
23 interested data or contracts between sibling subsidiaries as
24 evidence of need, when it is really evidence of corrupt
25 complicity or an attempt to hide the reality of overbuilding

1 and overproduction.

2 Land agents should probably be prohibited from
3 contacting landowners before they hear from the OPP. And
4 they must not be allowed to lie to landowners. The threat
5 of eminent domain must not be introduced until after good
6 faith negotiation. They must be required to give
7 information on accessing the OPP along with their first
8 contact and not just in footnotes and fine print.

9 NEPA must be retained intact and FERC must enable
10 residents to participate in a simple process. Every
11 affected landowner must be automatically considered
12 intervenors by right and the OPP must assist individual
13 resident owners with the distribution of their comments of
14 other intervenors. Intervening corporations have the
15 resources to do that; the average landowner does not.

16 I support the idea mentioned earlier, escrow
17 accounts created by the developer for legal fees of
18 residents. I want to amplify so many comments I have heard
19 today, which reflect what I've heard time and time again as
20 a member of the Voices Coalition.

21 I suggest you check out the peoples' hearing that
22 Voices held some months ago; I'll include a link in my
23 written comments. Public testimony by landowners and
24 members of affected communities is the sort of testimony
25 that you should be allowing at all your meetings, rather

1 than dragging people out like criminals into -- dragging out
2 like criminals, individuals who make the effort to speak to
3 you about their very serious concerns. Thank you.

4 MS. ENGLE: Maury Johnson, your line is now open.

5 MAURY JOHNSON: Hello, my name is Maury Johnson,
6 I live in southern West Virginia; I live along the route of
7 the Mountain Valley Pipeline. I'm here today representing a
8 number of groups, Preserving -- Saving our Watershed, and
9 groups from across the State of West Virginia and into
10 Virginia.

11 We've been dealing with the Mountain Valley
12 Pipeline for about six years. At every turn, FERC ignored
13 the citizens; they didn't respond. I have interacted with
14 the landowner attorney office, and they themselves told me
15 they had very little power.

16 This Office of Public Participation I hope is
17 actually an office that gives landowners some power in these
18 decisions. Many people I've heard today are members of,
19 people that I know, like many other people that say we need
20 to have some of these listening sessions at night for the
21 people that can't attend during the daytime.

22 I'll have a lot to say in written comments. I
23 just know that FERC has been very unresponsive to the
24 citizens across West Virginia, VA and elsewhere. I know
25 that they sometimes advocate or seem to advocate for the

1 pipeline and push through; our particular project manager
2 really needs to be relieved of his duties because it's very
3 obvious that he is all for the pipeline and all against the
4 landowners. And there's many incidents where that has
5 occurred.

6 If you'll look at the Summersville scoping
7 meeting that was held in 2016, there's -- I had to admonish
8 him for some things he said about a previous scoping meeting
9 that was held in Elliston, Virginia just a few days before.

10 I appreciate the opportunity to speak. As I
11 said, I'll put in lots of written comments and I was
12 attending the listening and speaking, because I will
13 represent some environmental justice folks in this area.

14 I appreciate it, and thank you.

15 MS. ENGLE: Thelma Dievers, your line is open.

16 THELMA DIEVERS: Can you hear me?

17 MS. ENGLE: Yes, I can hear you.

18 THELMA DIEVERS: Okay. My name is Thelma Dievers
19 (ph). I'm a volunteer with Oregon Water Protectors. I am of
20 Cherokee and European descent.

21 I have read the way that FERC operates during my
22 time reading the EIS, SEIS for the Jordan Cove Pacific
23 Connector Pipeline and was shocked by the anti-science and
24 incomplete FEIS. What we need is more independent,
25 grassroots citizens with a history of organizing and

1 volunteer work with no conflicts of interest to be on the
2 advisory board of the OPP to ensure that FERC moves forward
3 in a transparent democratic way.

4 Grants must be provided for these people, not
5 corporate NGOs. NGOs in Oregon who worked on Jordan Cove
6 are all a part of [] Gas, that is funded by the 11th hour
7 project. This is Eric Schmidt's philanthropy, former CEO of
8 Google, who is currently chairman of Innovation Technologies
9 for AI cloud computing for the Pentagon. This presents a
10 serious conflict of interest as well as serious suspicions
11 and lack of trust about the process. I and others will
12 never work with any of these NGOs again; they are not
13 grassroots nor independent, and frankly very suspicious.

14 I feel like I was seriously underserved by these
15 NGOs on my work opposing Jordan Cove. There was even a
16 smear campaign directed at me for asking questions about the
17 corporate funding of these so-called NGOs.

18 Number one, allow an independent grassroots
19 indigenous coalition to be on the board of the Office of
20 Public Participation; compensate them for their time and
21 expenses.

22 Number two, compensate with payment any Native
23 American First Peoples for their participation in public
24 comment, Zoom meetings, compensate for all expenses
25 including Internet, computers, devices, assistance, training

1 and travel needed to accommodate this.

2 Number three, intervenors. Broaden the
3 qualifications to be an intervenor. Everyone is affected by
4 these projects, not just landowners. Hire independent
5 grassroots people who are connected to the communities to do
6 community outreach, education, and create more involvement
7 with FERC. Give high school and college students credits
8 for participation as well as compensation for their time for
9 reading and commenting on the EIS, FEIS.

10 Simplify everything at FERC for communities by
11 eliminating huge carbon-emitting projects. We must bring
12 down emissions quickly in order to prevent climate change-
13 induced catastrophes. In Oregon last summer we had an
14 historic wildfire season. I'm a home owner in Milwaukee and
15 was in an Evacuation Order Level 2 for two days. This is
16 not a new normal that I will accept. You have our state
17 engulfed in flames with 11 Oregonians who died in the fires
18 is not acceptable.

19 Please do everything you can to drastically
20 reduce emissions at FERC. We've had enough fires out here
21 on the West Coast. Enough is enough. Please hear our
22 calls. We have enough wildfires; please bring down
23 emissions.

24 Everything at FERC must be calibrated to protect
25 citizens from predicted mega storms and mega fires that are

1 created by global warming, and only getting much worse with
2 time. Human rights must be the cornerstone of FERC
3 decisions, not corporate interests.

4 Cancel permanently the Dakota Access Pipeline,
5 the Keystone XL Pipeline and Enbridge Line 3. Stop
6 permitting pipelines that cross indigenous lands.

7 I am happy to hear that Richard Glick was elected
8 as chairman, and I am looking forward to having a more
9 accountable, accessible Commission that reflects the
10 democracy this nation is supposed to stand for.

11 More independent grassroots review from citizens
12 is needed for the EIS and FEIS, and funding should be
13 provided for this. And please do everything you can at
14 FERC to bring those emissions down. This will simplify your
15 work, it will simplify our work, and it will keep the planet
16 from exploding into a ball of flames. Because I don't know
17 if any of you have --

18 MS. ENGLE: Ma'am, you have 30 seconds.

19 THELMA DIEVERS: I don't know if any of you out
20 there on the East Coast have experienced your state being
21 surrounded in fires, with no extra help on the way because
22 our resources were entirely tapped out. That is fear, okay?
23 And we need to be prepared a lot better for the next fire
24 season, and you guys need to drastically limit the projects
25 you see by canceling and removing all projects that have far

1 too many emissions, that will create more mega fires for us
2 out here on the West Coast.

3 Please do all you can do limit and regulate
4 emissions. Thank you very much.

5 MS. ENGLE: As a reminder, please press *1 on
6 your phone if you wish to comment, un-mute, and record your
7 name clearly. Thank you.

8 John Quarterman, your line is open.

9 JOHN QUARTERMAN: Hi there, can you hear me?

10 MS. ENGLE: Yes, sir.

11 JOHN QUARTERMAN: I'm John S. Quarterman.
12 That's like quarter back, quarterman. I'm the Suwannee River
13 Keeper. That's a staff position and the project was Walls
14 Watershed Coalition, Inc. You have us in many comments in
15 many dockets.

16 I have several questions. Why should we believe
17 FERC is actually listening to these sessions any more than
18 it did to the interminable scoping meetings for the Sable
19 Trail Pipeline, which FERC proceeded to record as check
20 boxes and then rammed through that pipeline under our
21 Withlacoochee River in Georgia, our Suwannee and Santa Fe
22 River in Florida, and the Withlacoochee River South in
23 Florida.

24 Number two, will FERC, in permitting pipelines to
25 make only one payment to landowners for easements in

1 perpetuity while the pipeline company profits as long as it
2 is in business?

3 Number three. Apparently FERC has finally ended
4 its illegal practice of flling orders after a court told it
5 it had to. Okay, that's one good move.

6 Number four, will FERC order compensation to
7 landowners victimized by previous tolling orders?

8 Number five, how will FERC make pipeline
9 companies remediate the wastelands they have created?

10 Number six, what will FERC do about the shell
11 companies with no assets it has permitted for pipelines when
12 they go out of business and leave local governments holding
13 the bag?

14 Number seven, will FERC revoke its 2015 decision
15 in which it abdicated responsibility for inland liquefied
16 natural gas facilities?

17 Number eight, will FERC accept responsibility for
18 the New Fortress Miami LNG facility which FERC has admitted
19 in response to numerous FOIA requests from us that it never
20 permitted nor even had communications with New Fortress
21 Energy about that Miami plant.

22 Number nine, will FERC accept responsibilities
23 for the Strom, Inc. Crystal River, Florida LNG facility that
24 did have a FERC docket, but FERC rejected Strom's request
25 for clarification because Strom didn't want to pay as much

1 as FERC wanted, so explicitly FERC never said whether it had
2 oversight or not.

3 Will FERC set a precedent tomorrow in its
4 Commission meeting where it has on its agenda a certificate
5 for the New Fortress Energy Puerto Rico LNG facility. Will
6 it set a precedent by rejecting that certificate?

7 Number eleven, why is there no listening session
8 about LNG?

9 Number twelve, how not will --

10 MS. ENGLE: You have 30 seconds.

11 JOHN QUARTERMAN: Yes, and I'll get there if
12 you'll let me. How will FERC accelerate the transition from
13 fossil fuels to renewable; sun, wind and storage power with
14 the smart grid, and by what date will FERC make that
15 transition 100 percent complete?

16 And finally, number thirteen. When will FERC
17 acknowledge the ethical conflict of funding itself 100
18 percent from fees and charges on the same industries it
19 regulates; and when will FERC end that practice? Thank you.

20 MS. ENGLE: Eve M. your line is now open.

21 EVE M: Good afternoon. This is Eve M.
22 I'm an advocacy coordinator with the Clean Air Council,
23 which is a nonprofit environmental organization in
24 Philadelphia, Pennsylvania. We are a member organization
25 representing about 30,000 residents in Pennsylvania and the

1 Delaware River Watershed.

2 Thank you to the Commissioners for hosting the
3 listening session today, and thank you especially to all of
4 the speakers for sharing their heartfelt experiences and
5 thoughtful remarks and recommendations for improvement.

6 Landowners and communities have been negatively
7 impacted, both by FERC-approved infrastructure as well as by
8 FERC's public participation process. FERC's public
9 participation process for affected landowners and community
10 members is broken. The current process is lopsided towards
11 an industry that has endless resources to navigate highly
12 technical documents and procedures while the public does not
13 have these resources.

14 FERC's permitting process includes documents of a
15 highly technical nature; there are complex rules and
16 regulations; and just generally inaccessible to the public.
17 Members of the general public are often disenfranchised from
18 the process unless they have significant time and resources
19 and the technical understanding for expert support.

20 Many members of the public are not even aware of
21 FERC's existence or role, let alone how they, the impacted
22 landowners or community members can intervene, make their
23 concerns heard, or receive support. The task of notifying
24 landowners relaying highly technical information in plain
25 language, providing clear explanation about the occasions

1 and deadlines and opportunities for participation often
2 falls upon nonprofit organizations such as Clean Air Council
3 and others.

4 But even with our expensive outreach and advocacy
5 efforts, many landowners, residents and particularly in
6 marginalized communities continue to be disenfranchised by
7 the process. This is particularly true in communities
8 already impacted by environmental injustice.

9 An Office of Public Participation should make
10 interacting with FERC much easier. FERC should consider
11 implementing the following: One, provide clear and
12 frequent communication to the public around opportunities to
13 participate in the approval process for proposed projects
14 including mailings, e-mails, newspaper advertisements,
15 social media platforms, every effort made possible to reach
16 impacted residents.

17 Two, provide support for the public including
18 technical assistance and plain language explanation about
19 locations and draft approval.

20 Three, FERC should create an enhanced public
21 participation process for environmental justice communities,
22 including additional public informational sessions,
23 meetings and hearings.

24 Four, the process by which the public can
25 participate should be clear and easily accessible. Even the

1 directions around participation in this listening session
2 were confusing for some members of the public.

3 Five, in addition --

4 MS. ENGLE: You have 30 seconds.

5 EVE M: FERC scoping hearings that often occur
6 before applications are officially filed have frustrated the
7 public for years. FERC should ensure that it has
8 appropriate staff at these meetings that can adequately
9 answer the public's questions. When these meetings occur in
10 person, FERC should allow the public to ask questions and
11 make statements in a public way; not just privately one-on-
12 one, so that all participants can hear.

13 FERC must ensure the applicants have submitted
14 all necessary documents for approval before the public
15 comments. FERC should also allow members of the public to
16 hear each other.

17 FERC's OPP needs to establish a process to
18 compensate intervenors who represent the public interest in
19 Public Utility Commission proceedings.

20 The Office of Public Participation should
21 consider feedback from the public --

22 MS. ENGLE: Eve, your time is up.

23 EVE N: And make recommendations to the
24 Commissioners when procedures that aren't adequately
25 supporting public participation are identified.

1 Thank you for your consideration of these
2 comments.

3 MS. ENGLE: Ray Kimball, your line is open.

4 RAY KIMBLE: Can you hear me?

5 MS. ENGLE: Yes, sir, we can hear you fine. Thank
6 you.

7 RAY KIMBLE: My name is Ray Kimble, I'm an
8 affected landowner due to drilling and fracking. And
9 numerous pipelines run through our county, along with the
10 Tennessee pipeline, which has been pretty much over-ran by
11 what they're pushing into it with fracked gas.

12 I'm at the other end of the pipeline. This is
13 where all the drilling has happened, and this is where it
14 comes from. And we are the affected people here. I
15 haven't had water in my house for ten years because of the
16 fracking and drilling operations. They frack, they pollute
17 our water. pollute the air, the compressor station,
18 everything you can think of. This industry right now has
19 nine felony charges filed against them by the AG's office.
20 And still are operating with no regards to the public people
21 or anybody within the Commonwealth of Pennsylvania or
22 anywhere else.

23 FERC needs to turn around and put a stand and
24 stop letting this industry overrun our country and us. We
25 are the people, this is for us. Clean air, clean water are

1 for the people, and that is what needs to be happening. And
2 I am tired of this government allowing a corporate entity to
3 turn around and dictate what we can do with our properties,
4 our lives. I own this property, not them. And I will fight
5 to defend my property to the fullest extent of the law.

6 Thank you.

7 MS. ENGLE: Peter Barry, your line is now open.

8 Thank you.

9 PETER BARRY: Hello, it's Peter Barry in Oregon.
10 I appreciate your allowance of three minutes; this is like
11 our reality. If you can multiply all these people that are
12 calling in by tens of thousands of people and then tens of
13 thousands of hours of people trying to divine the most
14 convoluted, complex and biased system which was invented;
15 laws written, rules written, process written by industry for
16 the industry, by the industry for profit for the industry
17 and their shareholders, that's what we're up against.

18 It's simple and clear; we're naive to think of
19 anything different. We've experienced an endless array of
20 regulatory capture where we get our three minutes; we send
21 in thousands and thousands of pages of comments, well-
22 researched, and they're denied at every quarter, and
23 everything is approved, as you've heard.

24 Are all these pipelines, are all these transition
25 lines the best possible idea, the best possible location,

1 executed properly? Of course not. This is a convolution of
2 the democratic process, and you can't fix all that, but what
3 you can do is lobby for money from the Department of Energy
4 that every applicant has to pay a huge fee, at least a
5 percentage, something that will hire attorneys and
6 specialists for us to fight these people. We don't want to
7 fight them; we have lives, we have things we want to do. We
8 want to build shelters for homeless people, we want to
9 educate children, we anterior to help the handicapped.

10 But nope, we're fighting stupid for-profit
11 inventions to make someone rich. That's what we we're
12 doing. We spend our lives. It's scary, it's maddening, and
13 so if you could help us, we need specialists, we need
14 attorneys and specialists in your office that we can use to
15 get -- imagine someone who is a specialist in electricity
16 transmission or oil pipelines, would they ever work for us?
17 No, they work for the industry, because that's where they
18 make their money.

19 We're up against it, it's a David and Goliath
20 story, and Goliath is chomping us at every turn; we never
21 win. We never win.

22 And so I hope you work at the Department of
23 Energy and you'll make laws that help the people and make
24 this a true democracy, not just a for-profit juggernaut.
25 Thank you.

1 MS. ENGLE: We have reached the end of our queue
2 for speakers wishing to comment.

3 OPERATOR: Thank you all for your participation
4 today. We will post an audio recording of today's session
5 as well as a transcript on our website.

6 The next listening session will take place on
7 Monday, March 22nd, at 1 p.m. Eastern for environmental
8 justice communities and tribal interests.

9 The record is now close.

10 [Whereupon, at approximately 3:30 p.m., the
11 listening session concluded.]

12 MS. ENGLE: That concludes today's conference.
13 All participants may disconnect at this time; speakers
14 please stand by. Thank you for joining.

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1 CERTIFICATE OF OFFICIAL REPORTER

2

3 This is to certify that the attached proceeding
4 before the FEDERAL ENERGY REGULATORY COMMISSION in the
5 Matter of:

6 Name of Proceeding:

7 OPP Listening Session

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16 Docket No.: AD21-9-000

17 Place:

18 Date: Wednesday, March 17, 2021

19 were held as herein appears, and that this is the original
20 transcript thereof for the file of the Federal Energy
21 Regulatory Commission, and is a full correct transcription
22 of the proceedings.

23

24 Dan Hawkins

25 Official Reporter

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